

Representative Hall, Atlanta, Georgia**Wednesday, February 22, 2006**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Dodson	Hudson	May	E Rogers
Amerson	Dollar	Jackson	McCall	Royal
Ashe	Ehrhart	Jacobs	E McClinton	Rynders
Barnard	England	James	Meadows	Scheid
E Barnes	Everson	Jamieson	E Millar	Scott, M
Bearden	Fleming	Jenkins	Mills	Setzler
Benton	Floyd, J	Jennings	Mitchell	Sims, F
Bridges	Fludd	Johnson	Morris	Smith, L
Brooks	Forster	Jones, S	Mosley	Smith, P
Bruce	Franklin	Keen	Mumford	Smith, T
Bryant	E Freeman	Keown	Murphy, J	Smith, V
Buckner, D	Geisinger	Kidd	Murphy, Q	Smyre
Buckner, G	E Golick	Knight	Neal	Talton
Burkhalter	Graves, T	Knox	Oliver	Teilhet
Burns	Greene	Lakly	O'Neal	Thomas, A.M
Byrd	Hatfield	Lane, B	Orrock	Thomas, B
Carter	Heard, J	Lane, R	Parham	Warren
Chambers	Heard, K	Lewis	Parrish	Watson
Cheokas	Hembree	Lindsey	Parsons	Wilkinson
Cole	Henson	Lord	Porter	Williams, A
Coleman, B	Hill, C	Loudermilk	Ralston	Williams, E
E Coleman, T	Hill, C.A	Lucas	Randall	Williams, R
Cooper	Holmes	Lunsford	Reece, B	E Wix
Cox	Holt	Maddox	Reece, S	Yates
E Cummings	Horne	Martin	Reese	Richardson,
Dickson	Howard, E	Maxwell	Rice	Speaker

The following members were off the floor of the House when the roll was called:

Representatives Anderson of the 123rd, Beasley-Teague of the 65th, Black of the 174th, Borders of the 175th, Brown of the 69th, Burmeister of the 119th, Butler of the 18th, Casas of the 103rd, Channell of the 116th, Coan of the 101st, Crawford of the 127th, Davis of the 109th, Day of the 163rd, Dean of the 59th, Drenner of the 86th, Dukes of the 150th, Floyd of the 99th, Gardner of the 57th, Graves of the 137th, Hanner of the 148th, Harbin of the 118th, Hugley of the 133rd, Jordan of the 77th, Manning of the 32nd, Marin of the 96th, Mosby of the 90th, Powell of the 29th, Ray of the 136th, Roberts of the 154th, Sailor of the 93rd, Scott of the 153rd, Shaw of the 176th, Sheldon of the 105th, Sims of the 169th, Sinkfield of the 60th, Smith of the 113th, Smith of the 131st, Stanley-Turner of the 53rd, Stephens of the 164th, Stephenson of the 92nd, Tumlin of the 38th, Walker of the 107th, and Willard of the 49th.

They wish to be recorded as present.

Prayer was offered by the Reverend John Boyer, Morningside Presbyterian Church, Columbus, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1410. By Representatives Fludd of the 66th, Bruce of the 64th, Mosby of the 90th, Morgan of the 39th, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to provide for a self-employment assistance program; to provide a short title; to provide definitions; to establish the maximum allowable amount of weekly self-employment assistance; to determine eligibility; to limit the number of individuals receiving a self-employment assistance allowance; to provide for a self-employment assistance allowance to be charged or assessed to an

employer's account; to provide for appeal of nonacceptance into self-employment assistance program; to provide for reports by the Commissioner; to provide for related matters; to provide effective dates; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

HB 1411. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend Article 5 of Chapter 2 of Title 20 and Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to local school superintendents and general provisions applicable to counties and municipal corporations, respectively, so as to prohibit local school superintendents and certain elected officials of county and municipal corporations from certain employment opportunities for a period of time; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 1412. By Representatives Smith of the 168th, Stephens of the 164th and Royal of the 171st:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, Title 36 of the Official Code of Georgia Annotated, relating to local government, and Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to require the use of clean and renewable fuels in certain vehicles operated by certain government entities under certain circumstances; to provide for legislative findings and declarations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

HB 1414. By Representatives Holt of the 112th, Mumford of the 95th and Lunsford of the 110th:

A BILL to be entitled an Act to authorize Newton County to exercise all redevelopment and other powers except for condemnation and eminent domain under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1415. By Representatives Holt of the 112th, Mumford of the 95th and Lunsford of the 110th:

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in Newton County; to provide for a short title; to provide for the purposes of said district or districts; to provide for definitions; to provide for a board to administer said district or districts; to provide for the appointment and election of members of said board or boards; to provide for taxes, fees, and assessments; to provide for establishment of the boundaries of said district or districts; to provide for a tax cap; to specify conditions whereby the continued existence of the district or districts or the continued existence of any one or more of the powers granted to the district or districts may be terminated; to provide that no notice, proceeding, publication, or referendum shall be required; to provide for dissolution; to provide the procedures connected with all of the foregoing; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1416. By Representatives Willard of the 49th, Chambers of the 81st and Jacobs of the 80th:

A BILL to be entitled an Act to amend Article 2A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the homestead option sales and use tax, so as to change the manner and method of disbursing the proceeds of such tax; to provide for a definition; to provide for legislative intent; to provide for distribution certificates; to provide for procedures, conditions, and limitations; to provide for powers and duties of the state revenue commissioner; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1417. By Representatives Ralston of the 7th, Fleming of the 117th, Mumford of the 95th and Crawford of the 127th:

A BILL to be entitled an Act to amend Code Section 15-12-40 of the Official Code of Georgia Annotated, relating to compilation, maintenance, and revision of jury lists, so as to allow the Administrative Office of the Courts to assist the board of jury commissioners in compiling, maintaining, and revising the lists of trial jurors and grand jurors; to amend Code Section 40-

5-2 of the Official Code of Georgia Annotated, relating to keeping of records of applications for licenses and information, so as to provide for a cross-reference to the Administrative Office of the Courts receiving certain information; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1418. By Representatives Coan of the 101st, Neal of the 1st, Burkhalter of the 50th, Ralston of the 7th, Fleming of the 117th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, so as to establish the Georgia Methamphetamine Offender Registry for the registration of persons convicted of certain offenses relating to methamphetamine; to provide a statement of purpose; to provide for definitions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1419. By Representatives Keown of the 173rd, Lane of the 167th, Tumlin of the 38th, Willard of the 49th, Thomas of the 55th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, so as to provide that a patient shall receive notice of an investigation, proceeding, or hearing held regarding a patient's complaint and be given an opportunity to participate in the proceedings and provide oral or written testimony to the board considering the complaint; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1420. By Representatives Sinkfield of the 60th, Benfield of the 85th, Watson of the 91st, Lucas of the 139th, Orrock of the 58th and others:

A BILL to be entitled an Act to amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, so as to create the Commission for the Blind; to provide for a short title; to provide for legislative intent; to provide for the composition and appointment of commission members; to provide for an executive director; to provide for duties; to provide for an annual report; to provide for a complaint process; to

specify the powers and duties of the commission, transferring functions otherwise assigned; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1421. By Representatives Fleming of the 117th, Ralston of the 7th and Hatfield of the 177th:

A BILL to be entitled an Act to amend Article 7 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to demand for trial and announcement of readiness for trial, so as to require that a defendant be present in court and announce ready for trial if a demand for trial is filed; to require that a demand for trial be filed and served as a separate document and labeled as a demand for trial; to change provisions relating to demand for trial and service of the demand; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1422. By Representative Cox of the 102nd:

A BILL to be entitled an Act to amend Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to abandoned motor vehicles, so as to define relevant terms; to provide for possessory liens on vehicles and their contents; to provide for towing and storage of vehicles; to provide for notice of abandonment; to provide notice of redemption; to provide for duties of law enforcement officers; to enumerate appropriate towing and storage fees; to provide for the sale of abandoned vehicles; to provide for lien foreclosure; to provide for hearings in magistrate court; to provide for derelict motor vehicles; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1423. By Representative Cox of the 102nd:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to the terms of court for the superior courts, so as to change the terms of the superior court in Gwinnett County; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HR 1461. By Representatives Day of the 163rd and Stephens of the 164th:

A RESOLUTION commemorating the historic importance of the Tybee Island Lighthouse and dedicating the Historic Tybee Lighthouse Causeway; and for other purposes.

Referred to the Committee on Transportation.

HR 1462. By Representatives Day of the 163rd, Stephens of the 164th, Talton of the 145th, Neal of the 1st and Horne of the 71st:

A RESOLUTION creating the House Study Committee on State Law Enforcement Salaries and Benefits; and for other purposes.

Referred to the Committee on Public Safety.

HR 1464. By Representatives O'Neal of the 146th, Royal of the 171st, Tumlin of the 38th and Knight of the 126th:

A RESOLUTION creating the House Comprehensive Tax Reform Study Committee; and for other purposes.

Referred to the Committee on Ways & Means.

HR 1485. By Representatives Bearden of the 68th, Ralston of the 7th, Crawford of the 127th, Bridges of the 10th, England of the 108th and others:

A RESOLUTION creating the House Study Committee on the Georgia State Patrol; and for other purposes.

Referred to the Committee on Public Safety.

HR 1487. By Representative Shaw of the 176th:

A RESOLUTION dedicating the "Lucille M. Norton Bridge"; and for other purposes.

Referred to the Committee on Transportation.

HR 1488. By Representative Shaw of the 176th:

A RESOLUTION honoring the accomplishments of Lucille M. Norton and dedicating the Lucille M. Norton Bridge; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 963	HB 1408
HB 1389	HB 1409
HB 1390	HB 1413
HB 1391	HR 1432
HB 1392	HR 1433
HB 1393	HR 1435
HB 1394	HR 1437
HB 1395	SB 436
HB 1396	SB 507
HB 1404	SB 518
HB 1405	SB 519
HB 1406	SR 700
HB 1407	SR 785

Representative Lakly of the 72nd District, Vice-Chairman of the Committee on Defense and Veterans Affairs, submitted the following report:

Mr. Speaker:

Your Committee on Defense and Veterans Affairs has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1364 Do Pass

Respectfully submitted,
/s/ Lakly of the 72nd
Vice-Chairman

Representative Rice of the 51st District, Chairman of the Committee on Motor Vehicles, submitted the following report:

Mr. Speaker:

Your Committee on Motor Vehicles has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1004 Do Pass, by Substitute
HB 1217 Do Pass

HB 1252 Do Pass, by Substitute
HB 1253 Do Pass, by Substitute

Respectfully submitted,
/s/ Rice of the 51st
Chairman

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 1238 Do Pass
HR 1239 Do Pass
HR 1268 Do Pass
HR 1290 Do Pass

HR 1332 Do Pass
HR 1333 Do Pass
HR 1486 Do Pass

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1363 Do Pass
HB 1375 Do Pass

Respectfully submitted,
/s/ Smith of the 168th
Chairman

HOUSE RULES CALENDAR
WEDNESDAY, FEBRUARY 22, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 22nd Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 376 Juries; exemption; caregivers of certain children
HB 833 Georgia Procurement Registry; certain bid advertisements; local governments
HB 881 Dispensing opticians; apprenticeship program; amend requirements
HB 986 Depositions; persons who are not legal U.S. residents; provisions
HB 1177 Department of Transportation; certain projects; bonding amounts; provisions
HB 1190 State Road and Tollway Authority; collection of unpaid tolls; amend
HB 1321 Johns Creek, City of; incorporate

Modified Open Rule

HB 1097 Outdoor advertising signs; restriction; amend
HB 1325 Natural gas; distribution; provisions

Modified Structured Rule

None

Structured Rule

HB 1040 Carpet samples; raw material cost; fair market valuation; definitions

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 1363. By Representative Parrish of the 156th:

A BILL to be entitled an Act to amend an Act creating a new charter for the Town of Pulaski, approved April 9, 1999 (Ga. L. 1999, p. 3946), as amended, so as to provide authority for the mayor and councilmembers to perform and be compensated for duties related to the operation of the water system and

other administrative functions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1375. By Representatives Stephens of the 164th, Bordeaux of the 162nd, Jackson of the 161st and Bryant of the 160th:

A BILL to be entitled an Act to authorize the City of Savannah to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Crawford	Hill, C.A	Y Martin	Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Scheid
Y Anderson	Y Davis	Y Holt	Y May	Scott, A
Y Ashe	Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Sheldon
Y Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Smith, B
Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Neal	Y Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Stephenson
Y Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	E Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Graves, D	Y Lane, B	Y Powell	Tumlin

Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Walker
Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Maddox	Roberts	Y Williams, R
E Coleman, T	Y Hembree	Mangham	E Rogers	E Wix
Cooper	Y Henson	Y Manning	Y Royal	Yates
Y Cox	Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bills, the ayes were 134, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

Representatives Abdul-Salaam of the 74th, Dukes of the 150th, Neal of the 1st, and Smith of the 113th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the Senate:

SB 501. By Senators Shafer of the 48th, Reed of the 35th, Moody of the 56th, Zamarripa of the 36th, Tate of the 38th and others:

A BILL to be entitled an Act to amend an Act to supplement the salaries of the judges of the Superior Court of Fulton County, approved March 8, 1945 (Ga. L. 1945, p. 1076), as amended, so as to increase the amount of such supplement; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolutions of the Senate:

SR 760. By Senators Thomas of the 54th and Mullis of the 53rd:

A RESOLUTION honoring the memory of Dr. Eddie Marlow and designating the Dalton Regional Youth Detention Center Medical Clinic as the Dr. Eddie Marlow Medical Clinic; and for other purposes.

- SR 823. By Senators Grant of the 25th, Stephens of the 27th, Thomas of the 54th, Golden of the 8th, Williams of the 19th and others:

A RESOLUTION authorizing the conveyance of certain state owned real property located in Appling County, Georgia; Baldwin and Wilkinson County, Georgia; Bibb County, Georgia; Bulloch County, Georgia; Emanuel County, Georgia; Fannin County, Georgia; Forsyth County, Georgia; Gilmer County, Georgia; Gwinnett County, Georgia; Lowndes County, Georgia; Screven County, Georgia; Terrell County, Georgia; Whitfield County, Georgia; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

- HB 816. By Representatives Maddox of the 172nd and Keown of the 173rd:

A BILL to be entitled an Act to reincorporate and provide a new charter for the City of Cairo in Grady County, Georgia; to provide for boundaries and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, a city manager, and other personnel; to provide for other matters relative to the foregoing; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

- HB 1137. By Representatives Geisinger of the 48th, Jones of the 46th, Rice of the 51st and Burkhalter of the 50th:

A BILL to be entitled an Act to provide for the composition of state house districts and, in particular, House Districts 46, 48, 50, and 51; to provide for the election of such Representatives; to provide when such Representatives so elected shall take office; to provide for the continuation of present house districts until a certain time; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 1207. By Representative Powell of the 29th:

A BILL to be entitled an Act to amend the "City of Hartwell Recreation

Authority Act," approved April 4, 1996 (Ga. L. 1996, p. 3998), so as to authorize the Hartwell Recreation Authority to lease, sell, transfer, or otherwise dispose of real or tangible personal property owned by the authority; to provide for the disposition of proceeds resulting from the transfer of ownership interests of such property; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1265. By Representatives Parsons of the 42nd, Manning of the 32nd, Golick of the 34th, Teilhet of the 40th, Tumlin of the 38th and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 5, 2005 (Ga. L. 2005, p. 3620), so as to change the compensation of the chief deputy sheriff, the chief investigator, and the executive assistant to the sheriff; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bill and Resolutions of the Senate were read the first time and referred to the Committees:

SB 501. By Senators Shafer of the 48th, Reed of the 35th, Moody of the 56th, Zamarripa of the 36th, Tate of the 38th and others:

A BILL to be entitled an Act to amend an Act to supplement the salaries of the judges of the Superior Court of Fulton County, approved March 8, 1945 (Ga. L. 1945, p. 1076), as amended, so as to increase the amount of such supplement; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

SR 760. By Senators Thomas of the 54th and Mullis of the 53rd:

A RESOLUTION honoring the memory of Dr. Eddie Marlow and designating the Dalton Regional Youth Detention Center Medical Clinic as the Dr. Eddie Marlow Medical Clinic; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

SR 823. By Senators Grant of the 25th, Stephens of the 27th, Thomas of the 54th, Golden of the 8th, Williams of the 19th and others:

A RESOLUTION authorizing the conveyance of certain state owned real property located in Appling County, Georgia; Baldwin and Wilkinson County, Georgia; Bibb County, Georgia; Bulloch County, Georgia; Emanuel County, Georgia; Fannin County, Georgia; Forsyth County, Georgia; Gilmer County, Georgia; Gwinnett County, Georgia; Lowndes County, Georgia; Screven County, Georgia; Terrell County, Georgia; Whitfield County, Georgia; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

The following members were recognized during the period of Morning Orders and addressed the House:

Mumford of the 95th, Benfield of the 85th, Morgan of the 39th, Franklin of the 43rd, Yates of the 73rd, and Lane of the 158th.

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 1238. By Representatives Hembree of the 67th, Harbin of the 118th, Warren of the 122nd, Smith of the 113th, Howard, E. of the 121st and others:

A RESOLUTION commending Kimberly Wilson, winner of the 2005 Georgia Occupational Award of Leadership, and inviting her to appear before the House of Representatives; and for other purposes.

HR 1239. By Representatives Hembree of the 67th, Smith of the 168th, Shaw of the 176th, Smith of the 113th, Hatfield of the 177th and others:

A RESOLUTION recognizing and commending Gerald Moody, winner of the 2005 Rick Perkins Award for Excellence in Technical Instruction, and inviting him to appear before the House of Representatives; and for other purposes.

HR 1268. By Representatives O'Neal of the 146th, Ehrhart of the 36th, Burkhalter of the 50th, Burmeister of the 119th and Morris of the 155th:

A RESOLUTION commending Georgia's USGA Women's State team on winning the 2005 USGA Women's State Team Championship and inviting its members to appear before the House of Representatives; and for other purposes.

HR 1290. By Representatives Barnard of the 166th, Day of the 163rd, Hill of the 21st, Scheid of the 22nd and Byrd of the 20th:

A RESOLUTION commending Deputy Patrick Neal on winning the Peace Officer of the Year Award for Valor; and for other purposes.

HR 1332. By Representatives Black of the 174th, Shaw of the 176th and Borders of the 175th:

A RESOLUTION commending the Lowndes High School Georgia Bridgemen Band; and for other purposes.

HR 1333. By Representatives Black of the 174th, Shaw of the 176th and Borders of the 175th:

A RESOLUTION commending the Lowndes High School Viking football team on winning the AAAAAA State Championship; and for other purposes.

HR 1486. By Representatives Yates of the 73rd, Lakly of the 72nd, Freeman of the 140th, Warren of the 122nd, Jennings of the 82nd and others:

A RESOLUTION commending Georgia's National Guard troops; recognizing February 22, 2006, as National Guard Day; inviting Major General David Poythress to appear before the House of Representatives; and for other purposes.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1489. By Representatives Rynders of the 152nd, Dukes of the 150th and Sims of the 151st:

A RESOLUTION congratulating Miss Alexa Turpin on winning the 2006 Miss Georgia Teen America Pageant and inviting her to appear before the House of Representatives; and for other purposes.

HR 1490. By Representatives Hill of the 180th, Lane of the 167th, Williams of the 165th and Brooks of the 63rd:

A RESOLUTION commending Pastor Leon Washington and inviting him to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1321. By Representatives Burkhalter of the 50th, Rice of the 51st, Willard of the 49th and Jones of the 46th:

A BILL to be entitled an Act to incorporate the City of Johns Creek in Fulton County, Georgia; to provide a charter for the City of Johns Creek; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the offices of mayor and city manager and certain duties and powers relative to those offices; to provide for administrative responsibilities; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To incorporate the City of Johns Creek in Fulton County, Georgia; to provide a charter for the City of Johns Creek; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the offices of mayor and city manager and certain duties and powers relative to those offices; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, a city tax collector, a city accountant, and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for the sale of property; to provide for bonds for officials; to provide for eminent domain; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates; to provide for transition of powers and duties; to provide for directory nature of dates; to provide for a charter commission; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS

SECTION 1.10.

Incorporation.

The City of Johns Creek in Fulton County is incorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name of the "City of Johns Creek." References in this charter to "the city" or "this city" refer to the City of Johns Creek. The city shall have perpetual existence.

SECTION 1.11.

Corporate boundaries.

(a) The incorporated area of this city shall include all of that portion of Fulton County as set forth and described in Appendix A of this charter, which appendix is incorporated herein by reference, subject to approval by the voters at a referendum as provided in Section 7.14 of this Act.

(b) The incorporated area of this city may also include all of that portion of Fulton County as set forth and described in Appendix B of this charter, which appendix is incorporated herein by reference, subject to approval by the voters at a referendum as provided in Section 7.14 of this Act.

(c) After the original incorporation of this city, the boundaries of this city shall be subject to such alterations as may be made thereafter from time to time by local law or in the manner provided by general state law. As used in this charter, the term "territory" means the area of the city as described in this section. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk of the city and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Johns Creek, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

SECTION 1.12.

Municipal powers.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any

way the powers of this city. Said powers shall include, but are not limited to, the following:

- (1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
- (2) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this paragraph;
- (3) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of this city;
- (4) Building regulations. To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law;
- (5) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;
- (6) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other laws as are or may hereafter be enacted;
- (7) Contracts. To enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;
- (8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;
- (9) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of storm water and establishment of a storm-water utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

- (10) Ethics. To adopt ethics ordinances and regulations governing the conduct of municipal elected officials, appointed officials, and employees, establishing procedures for handling ethics complaints, and setting forth penalties for violations of such rules and procedures;
- (11) Fire regulations. To fix and establish fire limits and from time to time extend, enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;
- (12) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business within the city and benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;
- (13) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;
- (14) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;
- (15) Health and sanitation. To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;
- (16) Homestead exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city as authorized by Act of the General Assembly;
- (17) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (18) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the city;
- (19) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (20) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

- (21) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (22) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gas works, electric plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor; and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the city as provided by ordinance;
- (24) Nuisances. To define a nuisance and provide for its abatement whether on public or private property;
- (25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;
- (26) Planning and zoning. To provide comprehensive city planning for development by zoning and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- (27) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;
- (28) Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
- (29) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
- (30) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(31) Public transportation. To organize and operate or contract for such public transportation systems as are deemed beneficial;

(32) Public utilities and services. To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(33) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;

(34) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

(35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to negotiate and execute leases over, through, under, or across any city property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use;

(36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and provide for the sale of such items;

(37) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, adult entertainment, and massage parlors;

(38) Special assessments. To levy and provide for the collection of special assessments to cover the costs of any public improvement;

(39) Taxes (ad valorem). To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:

(A) For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 4.731 unless a higher limit is recommended by resolution of the city council and approved by a majority of the qualified voters of the city; provided, however, that for the purposes of compliance with Code Section 48-8-91 of the O.C.G.A., the millage rate may be adjusted upward for the sole purpose of complying with the millage rate rollback provisions set forth therein;

(B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of Fulton County, as provided in Code Section 48-5-352 of the O.C.G.A.; and

(C) For all years, the billing date or dates and due date or dates for municipal ad valorem taxes shall be the same as for Fulton County ad valorem taxes;

(40) Taxes (other). To levy and collect such other taxes as may be allowed now or in the future by law;

(41) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(42) Urban redevelopment. To organize and operate an urban redevelopment program; and

(43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.13.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II
GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL
SECTION 2.10.

City council creation; composition; number; election.

(a) The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and six councilmembers who shall be elected to Posts 1 through 6. Each person desiring to offer as a candidate for councilmember shall designate the council post for which he or she is offering.

(b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified, except as otherwise provided in subsection (d) of Section 2.11 of this charter. No person shall be eligible to serve as mayor or councilmember unless that person is at least 21 years of age and shall have been a resident of the territory for 12 months immediately preceding his or her election; and each such person shall continue to reside within the city during said period of service and shall be registered and qualified to vote in municipal elections of this city. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the clerk of said city that such person desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember and in the case of a candidate for councilmember designates the post for which he or she is a candidate. No person shall be eligible for the office of mayor or councilmember unless such person shall file said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2.11.
Elections.

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of the territory or of said city shall be eligible to qualify as voters in the election.

(b) All primaries and elections, including without limitation the special election of 2006 to elect the first mayor and council, shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code."

(c) All elections for the mayor and all councilmembers shall be at-large by the voters of the entire city.

(d) The first election for mayor and councilmembers shall be a special election held in 2006 on the date specified in subsection (e) of this section. At said election, the mayor and councilmembers elected to Council Posts 1, 3, and 5 shall be elected for initial terms

of office beginning immediately after their election and expiring on December 31, 2009. The councilmembers elected to Council Posts 2, 4, and 6 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2007. Thereafter, at the elections provided for by subsection (e) of this section, their successors shall be elected for terms of four years. All members shall serve until their successors are elected and qualified.

(e) A special election shall be held on the Tuesday after the first Monday in November, 2006, to elect the first mayor and council as provided in subsection (d) of this section. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in said subsection (d) of this section. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2007. The successors to the first mayor and councilmembers and future successors shall be elected at the municipal election immediately preceding the expiration of the respective terms of office and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

(f) All municipal elections shall be nonpartisan and without primaries.

SECTION 2.12.

Vacancies in office.

(a)(1) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

(2) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsection (b) of this section.

(b) In the event that the office of mayor or councilmember shall become vacant, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within six months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 2.13.

Election by majority vote.

The candidate receiving a majority of the votes cast for any city office shall be elected.

SECTION 2.14.

Compensation and expenses.

The annual salary of the mayor shall be \$25,000.00 and the annual salary for each councilmember shall be \$15,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council may provide by ordinance for the provision of insurance, retirement, workers' compensation, and other employee benefits to the mayor and members of the city council and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties.

SECTION 2.15.

Prohibitions.

(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the

records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(e) Except as authorized by law, no member of the council shall hold any other elective city office or other city employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the effective date of this Act.

SECTION 2.16.

Removal of officers.

(a) The mayor, a councilmember, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:

- (1) Incompetence, misfeasance, or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;
- (3) Failure at any time to possess any qualifications of office as provided by this charter or by law;
- (4) Knowingly violating Section 2.15 or any other express prohibition of this charter;
- (5) Abandonment of office or neglect to perform the duties thereof; or
- (6) Failure for any other cause to perform the duties of office as required by this charter or by state law.

(b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

- (1) By the vote of five councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Fulton County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
- (2) By an order of the Superior Court of Fulton County following a hearing on a complaint seeking such removal brought by any resident of the City of Johns Creek.

ARTICLE III
ORGANIZATION OF GOVERNMENT, GENERAL
AUTHORITY, AND ORDINANCES

SECTION 3.10.

General power and authority.

Except as otherwise provided by this charter, the city council shall be vested with all the powers of government of this city as provided by Article I of this charter.

SECTION 3.11.

Organization.

(a) The city council shall hold an organizational meeting at the first regular meeting in January following an election. The meeting shall be called to order by the city clerk or the mayor-elect if the office of clerk is vacant. The city clerk or any judge shall administer the oaths required by Chapter 3 of Title 45 of the O.C.G.A. and the following oath:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

(b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during any disability or absence of the mayor. Any such disability or absence shall be declared by a majority vote of the city council.

SECTION 3.12.

Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be punished as provided by ordinance.

SECTION 3.13.

Meetings.

(a) The city council shall hold regular meetings at such times and places as prescribed by ordinance and shall hold at least one regular meeting each month.

(b) Special meetings of the city council may be held on call of the mayor or four members of the city council. Notice of such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the

meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be given as required by law.

SECTION 3.14.

Procedures.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings which shall be a public record.

(b) All committees and committee chairpersons and officers of the city council shall be appointed by the mayor.

SECTION 3.15.

Voting.

(a) Except as otherwise provided in subsection (c) of this section, four councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. For voting and quorum purposes, the mayor shall be counted as one of the councilmembers. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. No councilmember shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. The councilmember shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.

(b) Except as otherwise provided in this charter, the affirmative vote of a majority of the councilmembers present shall be required for the adoption of any ordinance, resolution, or motion.

(c) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 3.16.

Ordinances.

(a) Every proposed ordinance shall be introduced in writing and in the form required for

final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Johns Creek hereby ordains..." and every ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 3.18 of this charter. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 3.17.

Effect of ordinances.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 3.18.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or four councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the councilmembers present shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 3.19.

Codes.

(a) The city council may adopt any standard code of technical regulations by reference

thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 3.20 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

SECTION 3.20.

Codification of ordinances.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.

(b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly together with all amendments thereto and shall contain such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Johns Creek, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and shall be made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 3.21.

Submission of ordinances to the mayor.

(a) Every ordinance, resolution, and other action adopted by the council shall be presented promptly to the mayor for signature. Except for council approval of appointments to committees, boards, and commissions, the employment of any appointed officer, internal affairs, or matters which must be approved by the voters, the mayor may veto any action adopted by the city council.

- (b) The veto must be exercised no later than the next regular city council meeting following the meeting at which the action was taken. If an action is disapproved, the mayor shall submit to the council a written statement of the reasons for the mayor's veto.
- (c) An action vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. If the minimum number of councilmembers necessary to vote on overriding the veto are not present, the action may be continued until the next meeting at which the minimum number of councilmembers are present. Such action shall not become effective unless it is readopted by the affirmative votes of at least five councilmembers within 60 days of the veto and for this purpose the mayor shall vote as a councilmember.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance or resolution. The approved part or parts of any ordinance or resolution making appropriations shall become law, and the part or parts disapproved or reduced shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this charter.
- (e) If an ordinance or resolution has been signed by the mayor, it shall become effective. If an ordinance or resolution is neither approved nor disapproved by the next regular meeting of the city council, it shall become effective.

SECTION 3.22.

Powers and duties of the mayor.

- (a) The mayor shall be the chief executive officer of the city government, a member of and the presiding officer of the city council, and responsible for the efficient and orderly administration of the city's affairs. The mayor shall be responsible for the enforcement of laws, rules, regulations, ordinances, and franchises in the city. The mayor may conduct inquiries and investigations into the conduct of the city's affairs and shall have such powers and duties as specified in this charter or as may be provided by ordinance consistent with this charter.
- (b) The mayor shall:
 - (1) Preside at all meetings of the city council;
 - (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the advocate of policy;
 - (3) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing;
 - (4) See that all laws and ordinances of the city are faithfully executed;
 - (5) Vote on any motion, resolution, ordinance, or other question before the council and vote on any matter before a committee on which he or she serves;
 - (6) Obtain short term loans in the name of the city when authorized by the city council to do so;
 - (7) Appoint city council committees and appoint councilmembers to oversee and report on the functions of the various departments of the city;

- (8) Require the city manager to meet with him or her at a time and place designated for consultation and advice upon the affairs of the city;
 - (9) Name qualified residents of the city to boards and commissions with approval of the city council;
 - (10) Nominate the city attorney, city clerk, city tax collector, and city accountant, subject to ratification by the city council;
 - (11) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any councilmember, the city manager, and the city attorney; and
 - (12) Fulfill and perform such other duties as are imposed by this charter and duly adopted ordinances.
- (c) The mayor shall in his or her sole discretion appoint an executive aide to the mayor. The executive aide shall serve at the pleasure of the mayor. The executive aide shall receive a salary comparable to that of city department heads, which salary shall be fixed by the mayor. The executive aide shall report directly to the mayor. The duties and responsibilities of the executive aide shall at all times be as set forth by the mayor. The executive aide shall have the authority, upon the specific request of the mayor, to act on behalf of the mayor in the mayor's ceremonial or administrative capacity. The executive aide shall have no authority to act on behalf of the mayor in a legislative or executive capacity.

SECTION 3.23.

City manager; appointment, qualification, and compensation.

The mayor shall appoint for an indefinite term an officer whose title shall be the "city manager" and the city manager shall serve at the pleasure of the mayor. The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.

SECTION 3.24.

City manager; chief administrative officer.

The city manager shall be the chief administrative officer of the government of the City of Johns Creek. The city manager must devote all of his or her working time and attention to the affairs of the city and shall be responsible to the mayor and council for the proper and efficient administration of the affairs of the city over which said officer has jurisdiction.

SECTION 3.25.

City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to:

- (1) See that all laws and ordinances are enforced;
- (2) Appoint and employ all necessary employees of the city, provided that excepted from the power of this appointment are those officers and employees who by this Act are appointed or elected by the mayor or council or departments not under the jurisdiction of the city manager;
- (3) Remove employees employed by said officer without the consent of the council and without assigning any reason therefore;
- (4) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the council except as otherwise provided in this Act;
- (5) Attend all meetings of the council with a right to take part in the discussions, but having no vote. The city manager shall be entitled to notice of all special meetings;
- (6) Recommend to the council, after prior review and approval by the mayor, for adoption such measures as the city manager may deem necessary or expedient;
- (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;
- (8) Make and execute all lawful contracts on behalf of the city as to matters within said officer's jurisdiction to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the council;
- (9) Act as budget officer to prepare and submit to the council, after review and approval by the mayor, prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;
- (10) Keep the council at all times fully advised as to the financial condition and needs of the city;
- (11) Make a full written report to the council on the first of each month showing the operations and expenditures of each department of the city government for the preceding month, and a synopsis of such reports shall be published by the clerk of the city;
- (12) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and
- (13) Perform such other duties as may be prescribed by this Act or required by ordinance or resolution of the council.

SECTION 3.26.

Council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction or supervision of the manager solely through the manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 3.27.

Selection of mayor pro tempore.

There shall be a mayor pro tempore elected from among the councilmembers by the city council. The initial mayor pro tempore shall serve for a term expiring December 31, 2007, and successors shall serve for terms of four years. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember. A vacancy in the position of mayor pro tempore resulting from the mayor pro tempore ceasing to serve as a councilmember or from any other cause shall be filled for the remainder of the unexpired term in the same manner as the original election.

SECTION 3.28.

Mayor pro tempore.

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore of the city council, or in such person's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. A councilmember acting as mayor shall have only one vote. A councilmember acting as mayor shall have veto power in the case of disability of the mayor but not in the case of absence of the mayor. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest.

ARTICLE IV

ADMINISTRATIVE AFFAIRS

SECTION 4.10.

Department heads.

(a) Except for the offices of city manager and executive aide to the mayor, the council, by ordinance, may establish, abolish, merge, or consolidate nonelective offices, positions of employment, departments, and agencies of the city as they shall deem necessary for the proper administration of the affairs and government of the city. The council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may

transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city. The council may also contract with private or governmental parties for the performance of the functions of any such offices, departments, or agencies.

(b) Except as otherwise provided by this charter or by law, the directors of departments and other officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by the city council.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of the director's department or agency.

(e) The city manager may suspend directors. The director involved may appeal to the city council which, after a hearing, may override the suspension. Any removal of a director shall be by the city council.

SECTION 4.11.

Boards.

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the mayor subject to approval by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for the original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the clerk of the city an oath obligating himself or herself to perform faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and administered by the mayor.

(g) Any member of a board, commission, or authority may be removed from office for cause by a vote of the city council.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice-chairperson, and may elect as its secretary one of its members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, an ordinance of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

SECTION 4.12.

City attorney.

The mayor shall nominate a city attorney subject to ratification by the council who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least one year. The city attorney shall serve at the pleasure of the mayor. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the council as directed, shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required by virtue of the position of city attorney. The city council shall provide for the compensation of the city attorney.

SECTION 4.13.

City clerk.

The mayor shall nominate a city clerk who shall not be a councilmember subject to ratification by the council. The city clerk shall serve at the pleasure of the mayor. The city clerk shall be custodian of the official city seal, maintain city council records required by this charter, and perform such other duties as may be required by the city council. The city council shall provide for the compensation of the city clerk.

SECTION 4.14.

City tax collector.

The mayor shall nominate a city tax collector subject to ratification by the council. The city tax collector shall serve at the pleasure of the mayor. The city tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city council shall provide for the compensation of the city tax collector.

SECTION 4.15.

City accountant.

The mayor shall nominate a city accountant subject to ratification by the council. The city accountant shall serve at the pleasure of the mayor. The city council shall provide for the compensation of the city accountant.

SECTION 4.16.

Rules and regulations.

The city council shall adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE V**JUDICIAL BRANCH****SECTION 5.10.**

Municipal court.

There shall be a court to be known as the Municipal Court of the City of Johns Creek.

SECTION 5.11.

Judges.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance. The chief judge shall be appointed by resolution of the city council and the method of selection and terms of any other judges shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall have been a member of the State Bar of Georgia for a minimum of three years.
- (c) Compensation of the chief judge and other judges shall be fixed by the city council. The position of chief judge shall not be a full-time position, and the person serving as chief judge may engage in the private practice of law.

(d) The chief judge shall serve a term of four years, coincident with the term of the mayor, but may be removed for cause by a vote of five members of the city council or upon action taken by the Judicial Qualification Commission.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 3.14 of this charter.

SECTION 5.12.

Convening of court.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 5.13.

Powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed the statutory limits for fines and imprisonment for such municipal court.

(c) The municipal court may fix punishment for offenses within its jurisdiction, including both fines and imprisonment or alternative sentencing, provided that such fines or imprisonment does not exceed the statutory limits as now exist or hereafter provided by law.

(d) The municipal court shall have the authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.

(h) Each judge of the municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

(j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

SECTION 5.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Fulton County, under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 5.15.

Rules.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage.

(a) The city council by ordinance shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

(b) For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 4.731, unless a higher millage rate is recommended by resolution of the city council and subsequently approved by a majority of the eligible voters of the city by referendum. This millage rate limit shall apply to the millage rate actually levied and shall not apply to the hypothetical millage rate computed under subsection (a) of Code Section 48-8-91 of the O.C.G.A., relating to conditions on imposition of the joint county and municipal sales tax.

SECTION 6.12.

Occupation taxes and business license fees.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Licenses.

The city council by ordinance shall have the power to require any individual or corporation who transacts business in this city or who practices or offers to practice any profession or calling within the city to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

SECTION 6.14.

Franchises.

The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

SECTION 6.15.

Utilities/infrastructure fees.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside or outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

Roads.

The city council by ordinance shall have the power to assess, charge, and collect the costs of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.17.

Other taxes.

This city shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.18.

Collection of delinquent taxes.

The city council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due, late penalties or interest, issuance and

execution of fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay any city taxes or fees, and providing for the assignment or transfer of tax executions.

SECTION 6.19.

Borrowing.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

SECTION 6.20.

Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

SECTION 6.21.

Loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

SECTION 6.22.

Accounting and budgeting.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

SECTION 6.23.

Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs. The city council shall comply with the provisions of Chapter 81 of Title 36 of the O.C.G.A.

SECTION 6.24.
Operating budget.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as the city manager may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.25.
Adoption.

- (a) The city council may amend the operating budget proposed by the city manager, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.
- (b) After the conducting of a budget hearing, the city council shall adopt the final operating budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable.

SECTION 6.26.
Levy of taxes.

Following adoption of the operating budget, the city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total

amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expense of the general government of this city.

SECTION 6.27.

Changes in budget.

The city council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

SECTION 6.28.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements budget with any recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 3.17 of this charter.

(b) After the conducting of a public hearing, the city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by any recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by majority vote of the city council.

SECTION 6.29.

Audits.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing costs to the public.

SECTION 6.30.

Procurement and property management.

No contract with the city shall be binding on the city unless:

- (1) It is in writing;
- (2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 3.14 of this charter.

SECTION 6.31.

Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.32.

Sale of property.

- (a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law, as well as any abandoned or surplus property.
- (b) The city council may quitclaim any rights it may have in property not needed for public purposes upon request by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver in the name of the city a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

SECTION 6.33.

General homestead exemption.

- (a) As used in this section, the term:
 - (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(b) Each resident of the City of Johns Creek is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 6.34.

General homestead exemption for citizens age 65 or over.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Johns Creek who is a senior citizen is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving the person's age and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 6.35.

Homestead exemption for citizens age 65 or over
meeting certain income requirements.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Income" means adjusted gross income as such term is defined in the Internal Revenue Code of 1986, as such code is defined in Code Section 48-1-2 of the O.C.G.A., except that for purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

(4) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Johns Creek who is a senior citizen is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 6.36.

Homestead exemption for citizens age 70 or over
and disabled persons meeting certain income requirements.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Income" means adjusted gross income determined pursuant to the Internal Revenue Code of 1986, as amended, for federal income tax purposes, except that for the purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

(4) "Senior citizen" means a person who is 70 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Johns Creek who is a senior citizen or who is disabled is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes for the full value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year.

(c)(1) In order to qualify for the exemption provided for in subsection (b) of this section as being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such physician or physicians such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.

(2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving the person's age,

income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

ARTICLE VII
GENERAL PROVISIONS
SECTION 7.10.
Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.
Charter language on other general matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

SECTION 7.12.
Definitions and construction.

- (a) Section captions in this charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.13.

Qualified electors.

- (a) For the purposes of the referendum elections provided for in Section 7.14 of this Act the qualified electors shall be those qualified electors of Fulton County residing within the areas described in Appendixes A and B of this charter.
- (b) For the purposes of the special election to be held on the Tuesday after the first Monday in November, 2006, the qualified electors shall be those qualified electors of Fulton County residing within the City of Johns Creek, as determined according to the results of the election provided for in Section 7.14 of this Act.
- (c) At subsequent municipal elections, the qualified electors of the City of Johns Creek shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."
- (d) Only for the purpose of holding and conducting the referendum election provided for by Section 7.14 of this Act and only for the purpose of holding and conducting the special election of the City of Johns Creek to be held on the Tuesday after the first Monday in November, 2006, the election superintendent of Fulton County is vested with the powers and duties of the election superintendent of the City of Johns Creek and the powers and duties of the governing authority of the City of Johns Creek.

SECTION 7.14.

Referendum.

- (a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Fulton County shall call two special elections for the purpose of submitting this Act to the qualified voters, as provided in subsection (a) of Section 7.13 of this charter, for approval or rejection. The superintendent shall set the date of such elections for the date of the general primary in 2006. The superintendent shall issue the call for such elections at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the elections to be published once a week for two weeks immediately preceding the date thereof in the official organ of Fulton County. The ballot shall have written or printed thereon the words:

"() YES Shall the creation of the City of Johns Creek and the granting of the
() NO homestead exemptions described in the Act creating the City of Johns
Creek be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." The expense of the special elections set forth in this section shall be borne by Fulton County. It shall be the duty of the superintendent to hold and conduct such elections. It shall be his or her further duty to certify the results thereof to the Secretary of State.

(b) One special election provided for in subsection (a) of this section shall be held and conducted in the area described in Appendix A of this charter and one such special election shall be held in the area described in Appendix B of this charter. The votes of each special election shall be counted separately, and the results shall be as follows:

(1) If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act, it shall become of full force and effect and the territorial limits of the city shall include the area described in Appendix A of this charter. Otherwise, if one-half or less of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act it shall thereafter be void and of no force or effect, regardless of the outcome of the special election in the area described in Appendix B of this charter; and

(2) If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act and more than one-half of the votes cast on such question in the special election in the area described in Appendix B of this charter are for approval of the Act, the territorial limits of the city shall include the area described in Appendix B of this charter as well as the area described in Appendix A of this charter. If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act and one-half or less of the votes cast on such question in the special election in the area described in Appendix B of this charter are for approval of the Act, the territorial limits of the city shall include the area described in Appendix A but shall not include the area described in Appendix B of this charter.

SECTION 7.15.

Effective dates.

(a) Sections 1.10 and 1.11 of this Act and those provisions of the Act necessary for the special election provided for in Section 7.14 of this charter shall become effective immediately upon this Act's approval by the Governor or upon its becoming law without such approval.

(b) Those provisions of this Act necessary for the special election to be held on the Tuesday after the first Monday in November, 2006, as provided by Article II of this charter shall be effective upon the certification of the results of the referendum election provided for by Section 7.14 of this charter, if this Act is approved at such referendum election.

(c) The remaining provisions of this Act shall become of full force and effect for all purposes on December 1, 2006, except that the initial mayor and councilmembers shall

take office immediately following their election and by action of a quorum may prior to December 1, 2006, meet and take actions binding on the city.

SECTION 7.16.

Transition.

(a) A period of time will be needed for an orderly transition of various government functions from Fulton County to the City of Johns Creek. Accordingly there shall be a transition period beginning on December 1, 2006, and ending at midnight on November 30, 2008. During such transition period, all provisions of this charter shall be effective as law, but not all provisions of this charter shall be implemented.

(b) During such transition period, Fulton County shall continue to provide within the territorial limits of Johns Creek all government services and functions which Fulton County provided in that area at the time of enactment of this charter and at actual cost as provided pursuant to Code Section 36-31-8 of the O.C.G.A., except to the extent otherwise provided in this section; provided, however, that upon at least 30 days' written notice to Fulton County by the City of Johns Creek, responsibility for any such service or function shall be transferred to the City of Johns Creek. Effective December 1, 2006, the City of Johns Creek shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of Johns Creek. Where a particular tax, fee, assessment, fine, forfeiture, or other amount collected is specifically related to the provision of a particular government service or function by Fulton County, the service or function shall continue to be provided by the county contingent upon payment by the city of the actual cost of providing such service or function unless otherwise provided in a written agreement between the city and the county. Any existing contract for the performance of a governmental service with a private person residing or doing business within the city limits shall not be altered or adversely affected by the establishment by this Act of the City of Johns Creek.

(c) During the transition period, the governing authority of the City of Johns Creek:

- (1) Shall hold regular meetings and may hold special meetings as provided in this charter;
- (2) May enact ordinances and resolutions as provided in this charter;
- (3) May amend this charter by home rule action as provided by general law;
- (4) May accept gifts and grants;
- (5) May borrow money and incur indebtedness to the extent authorized by this charter and general law;
- (6) May levy and collect an ad valorem tax for calendar years 2007 and 2008;
- (7) May establish a fiscal year and budget;
- (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies of the city; appoint and remove officers and employees; and exercise all necessary or appropriate personnel and management functions; and
- (9) May generally exercise any power granted by this charter or general law, except to the extent that a power is specifically and integrally related to the provision of a

governmental service, function, or responsibility not yet provided or carried out by the city.

(d) Except as otherwise provided in this section, during the transition period the Municipal Court of the City of Johns Creek shall not exercise its jurisdiction. During the transition period, all ordinances of Fulton County shall remain applicable within the territorial limits of Johns Creek and the appropriate court or courts of Fulton County shall retain jurisdiction to enforce such ordinances. Upon notice by the City of Johns Creek, Fulton County shall transfer all or part of such regulatory authority and the appropriate court jurisdiction to the City of Johns Creek as contained in such notice. Any transfer of jurisdiction to the City of Johns Creek during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in Fulton County or the pending prosecution of any violation of any ordinance of Fulton County.

(e) During the transition period, the governing authority of Johns Creek may at any time, without the necessity of any agreement by Fulton County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of Johns Creek commencing to exercise its planning and zoning powers, the Municipal Court of the City of Johns Creek shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

(f) Effective upon the termination of the transition period, subsections (b) through (e) of this section shall cease to apply except for the last sentence of subsection (d) which shall remain effective. Effective upon the termination of the transition period, the City of Johns Creek shall be a full functioning municipal corporation and subject to all general laws of this state.

SECTION 7.17.

Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause, delay in securing approval under the federal Voting Rights Act, or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is specifically provided that:

(1) If it is not possible to hold the referendum election provided for in Section 7.14 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable; and

(2) If it is not possible to hold the first municipal election provided for in Section 2.11 of this Act on the date specified in that section, then there shall be a special

election for the initial members of the governing authority to be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly.

SECTION 7.18.

Charter commission.

At the first regularly scheduled city council meeting, five years after the inception of the City of Johns Creek, the mayor and city council shall create a charter commission to review the city's experience and recommend to the General Assembly any changes to the city charter. All members of the charter commission must reside in the City of Johns Creek. The commission must complete the recommendations within six months of its creation.

SECTION 7.19.

Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 7.20.

General repealer.

All laws and parts of laws in conflict with this Act are repealed.

APPENDIX A

The corporate limits of the City of Johns Creek shall include that portion of Fulton County described as follows if approved by the voters as described in Section 7.14 of this charter:

Commencing at the northeasterly point of Fulton County, Georgia at the point where Fulton County, Georgia intersects the westerly county line of Gwinnett County, Georgia, the southerly county line of Forsyth County, Georgia, as the boundaries existed on January 1, 2006, and the Chattahoochee River; running thence generally southwesterly along the southeastern line of Fulton County where it intersects the northeasterly line of Gwinnett County, following the meanderings of the Chattahoochee River, to the point where said Fulton-Gwinnett County line intersects the dividing line

between Fulton County Voting Precincts NC11A and NC06, as they existed on January 1, 2006; thence leaving said Fulton-Gwinnett County line, running northwesterly along said dividing line between voting precincts to its intersection with Barnwell Road; thence following Barnwell Road northeasterly to the point where said right-of-way intersects with Jones Bridge Road; thence following Jones Bridge Road northerly to the point where said right-of-way intersects with Old Alabama Road; thence following the right-of-way of Old Alabama Road west to the point where said right-of-way intersects with the right-of-way of Brumbelow Road; thence following the right-of-way of Brumbelow Road south to the point where said right-of-way intersects with the south land lot line of Land Lot 924, 1st District, 2nd Section, Fulton County, Georgia, said point also being the southeastern corner of that certain parcel of land (Fulton County tax id# 12318008950488, according to the parcel numbering system existing on January 1, 2006) described in that certain Quit Claim Deed, dated May 5, 1997, recorded in Deed Book 22692, page 012, Official Deed Records of Fulton County, Georgia, said point further representing the southeasterly corner of Newtown Park; thence leaving said right-of-way running west along the south line of Land Lots 924 and 895, aforesaid District and Section, to a point at the intersection of Land Lots 894, 895, 869 and 870, aforesaid District and Section, said point also being the southwest corner of Newtown Park; thence running north along the west land lot line of Land Lot 895 to a point to its northernmost point adjacent to the east boundary of the Chartwell Subdivision, as set out on that certain plat entitled Final Subdivision Plat of Chartwell, Unit 1, Phase 1, by Travis Pruitt & Associates, Inc., recorded at Plat Book 188, page 49, Official Deed Records of Fulton County, Georgia; thence leaving said land lot line following the east boundary of the Chartwell Subdivision northwesterly to Old Alabama Road; thence running along the right-of-way of Old Alabama Road to its intersection with the northeast corner of the Old Alabama Square Shopping Center as set out on that certain plat entitled Old Alabama Square, Exemption Plat, by Post, Buckley, Schuh & Jernigan, Inc., recorded at Plat Book 220, page 124, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way running south and southwest along the east line of said shopping center parcel (said line also being set out on the aforementioned plat of Chartwell Subdivision) to a point at the southeast corner of said shopping center parcel; thence running west along the south line of said shopping center parcel to a point at the centerline of a creek, the same being located at the southwest corner of said shopping center parcel, said point also being located on the east property line of that certain parcel of land (Fulton County tax id# 12304008391576, according to the parcel numbering system existing on January 1, 2006) said parcel being described in that certain General Warranty Deed, dated June 24, 1999, recorded in Deed Book 27358, page 340, Official Deed Records of Fulton County, Georgia; thence running southerly along the meanderings of said creek along the east line of said parcel of land (Fulton County tax id# 12304008391576) to its intersection with the south land lot line of Land Lot 840, aforesaid District and Section; thence leaving the centerline of said creek running west along the south line of land lots 840 and 817 to its intersection with the easterly boundary of City of Roswell, Georgia,

as said boundary existed on January 1, 2006, at the right-of-way of Nesbit Ferry Road; thence running south along said right-of-way of Nesbit Ferry Road to the point where said right-of-way intersects the east land lot line of Land Lot 787, aforesaid District and Section; thence leaving said right-of-way running northeasterly along the easterly boundary of the City of Roswell, Georgia, following the courses and distances thereof, to a point in Land Lot 867, aforesaid District and Section, where said boundary line intersects the northwest corner of the Magnolia Park Subdivision as set out on that certain plat entitled Final Plat for Magnolia Park, by Post, Buckley, Schuh & Jernigan, Inc., recorded at Plat Book 224, page 89, Official Deed Records of Fulton County, Georgia, said point also lying on the south line of the Willow Springs Subdivision, as set out on that certain plat entitled Final Plat Willow Springs S/D, Unit 5, by Mayes Sudderth & Etheridge, Inc., recorded at Plat Book 116, page 40, Official Deed Records of Fulton County, Georgia; thence leaving said boundary line of the City of Roswell, Georgia, running southwest along the west line of said Magnolia Park Subdivision to a point at the southwest corner of said Magnolia Park Subdivision; thence running east, north and east along the south line of said Magnolia Park Subdivision to the point where said line intersects with Haynes Bridge Road at the southeast corner of said Magnolia Park Subdivision; thence running north along the right-of-way of Haynes Bridge Road, to the point in Land Lot 867, aforesaid District and Section, at the northerly intersection of said right-of-way with the east boundary line of the aforementioned Final Plat Willow Springs S/D, Unit 5; thence leaving said right-of-way running west along the boundary line of the Willow Springs Subdivision to a point on the west land lot line of Land Lot 867, aforesaid District and Section; thence continuing north along said east boundary line of Willow Springs Subdivision following the west land lot line of Land Lots 867 and 866, aforesaid District and Section, to the point at the intersection of Land Lots 843, 844, 865 and 866, aforesaid District and Section, said point also lying on the south boundary line of that certain Wentworth Subdivision as set out on that certain plat entitled Final Plat for Wentworth, by Hayes, James & Associates, recorded at Plat Book 214, page 129, Official Deed Records of Fulton County, Georgia; thence running west along the south boundary of Wentworth Subdivision, and Land Lot 844, aforesaid District and Section, to a point at the southwest corner of said subdivision; thence leaving said land lot line running north along the west boundary of said Wentworth Subdivision, following the courses and distances thereof across the right-of-way of Haynes Bridge Road, to a point at the northwest corner of said Wentworth Subdivision, said point being located on the north line of Land Lot 844, aforesaid District and Section; thence running east along the north line of said Wentworth Subdivision, along the north lines of Land Lots 844 and 865, aforesaid District and Section, to a point at the northeast corner of said subdivision; thence leaving said land lot line, running south along the east boundary of said Wentworth Subdivision to the point at which said boundary line intersects the northerly point of that certain parcel of land (Fulton County tax id# 12302008650447, according to the parcel numbering system existing on January 1, 2006) described in that certain Deed, dated September 1, 2004, recorded in Deed Book 38424, page 122, Official Deed

Records of Fulton County, Georgia; thence running southeast and southerly along the east property line of said parcel of land to a point, said point also lying at the northeast corner of that certain parcel of land (Fulton County tax id# 12302008650173, according to the parcel numbering system existing on January 1, 2006) described in that certain Deed, dated September 2, 2004, recorded in Deed Book 38424, page 118, Official Deed Records of Fulton County; thence running south along the east line of said parcel of land (Fulton County tax id# 12302008650173) to a point at the southeast corner of said parcel of land; thence running southwest along the southeast property line of said parcel of land (Fulton County tax id# 12302008650173) to a point on the right-of-way of Haynes Bridge Road; thence following the right-of-way of Haynes Bridge Road southeast to the intersection of Haynes Bridge Road and Alvin Road; thence running northeasterly along Alvin Road to a point at its intersection in Land Lot 898, aforesaid District and Section, with the southeast corner of the Berkshire Manor Subdivision, Unit One, as set out on that certain plat recorded in the Official Deed Records of Fulton County, Georgia; thence running north along the east boundary of said Berkshire Manor Subdivision following said east boundary of the Berkshire Manor Subdivision along Unit One, Unit Three, and Unit Five thereof, to the point at which said east boundary intersects the south line of Land Lot 900 the same lying at the southwest corner of the Summer Trace Subdivision as set out on that certain plat entitled Final Plat for Summer Trace, Unit Two, by Civil Design, Inc., recorded at Plat Book 149, page 5, Official Deed Records of Fulton County, Georgia; thence running east along said south land lot line to point at the intersection of said land lot line and the southeast corner of Lot 104 of set forth on said Summer Trace Subdivision Plat; thence leaving said land lot line running northwest along the northeast property line of said Lot 104 to the north corner of said lot 104, said point also being located at the southwest corner of Unit III of the Summer Trace Subdivision as set out on that certain Final Plat for Summer Trace, Unit III, by Civil Design, Inc., recorded at Plat Book 153, page 1, Official Deed Records of Fulton County, Georgia; thence running northwest along the westerly line of said Unit III of the Summer Trace Subdivision following the courses and distances thereof to a point at its intersection with the City of Alpharetta, Georgia, as it existed on January 1, 2006, at Long Indian Creek; thence following said boundary line of the City of Alpharetta, Georgia southeasterly along the meanderings of Long Indian Creek to the point where Long Indian Creek intersects the easterly line of Land Lot 864, aforesaid District and Section, there leaving said boundary line of the City of Alpharetta, Georgia; thence continuing along the meanderings of Long Indian Creek easterly to the point where Long Indian Creek intersects the east line of Land Lot 918, aforesaid District and Section; thence leaving Long Indian Creek running south along said east land lot line of Land Lot 918 to the point where said east line intersects with the north line of Land Lot 11, 1st District, 1st Section of Fulton County, Georgia; thence running east along said north land lot line of said Land Lot 11 to a point where said land lot line intersects with that certain Storm Drain Line located northeasterly from the northeastern line of Timberstone Subdivision, Section III, as set out on that certain plat entitled Final Subdivision Map for Timberstone Section III, by Urban

Engineers, Inc., recorded at Plat Book 115, page 81, Official Deed Records of Fulton County, Georgia; thence following the meanderings of said Storm Drain Line southeasterly in said Land Lot 11 to the point where said Storm Drain Line intersects with the south line of said Land Lot 11; thence running east along said south line of said Land Lot 11 to the point at the intersection of Land Lots 11, 12, 35 and 36, aforesaid District and Section; thence running south along the east line of said Land Lot 12 to the point where said land lot line intersects with the southwest corner of Lauren Hall Subdivision, as set out on that certain plat entitled Final Plat of Lauren Hall Subdivision, by Watts & Browning Engineers, Inc., dated February 13, 1995, recorded at Plat Book 186, page 2, Official Deed Records of Fulton County, Georgia; thence running easterly along the south line of said Lauren Hall Subdivision following the courses and distances thereof to a point on the northwesterly right-of-way of Jones Bridge Road; thence running northeast along said northwesterly right-of-way of Jones Bridge Road to the point at which said right-of-way intersects the northeast right-of-way of Waters Road; thence leaving said right-of-way of Jones Bridge Road running northwest along said northeast right-of-way of Waters Road to a point at the northwesterly corner of that certain parcel of land (Fulton County tax id# 11018000580174, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated January 2, 1996, recorded in Deed Book 20494, page 331, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way running northeasterly along the northerly property line of said parcel of land to a point at the northeast corner of said parcel of land, said point also constituting the northwesterly corner of that certain parcel of land (Fulton County tax id# 11018000581370, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated April 19, 2002, recorded in Deed Book 32301, page 65, Official Deed Records of Fulton County, Georgia; thence running northeasterly along the northerly property line of said parcel of land (Fulton County tax id# 11018000581370) to a point at the northeast corner of said parcel of land, said point being located on the southwesterly property line of that certain parcel of land (Fulton County tax id# 11018000570290, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated October 10, 2001, recorded in Deed Book 31201, page 149, Official Deed Records of Fulton County, Georgia; thence running northwesterly along said southwesterly property line to a point at the northwest corner of said parcel of land; thence running southeasterly along the northwesterly property line to a point at the northeast corner of said parcel of land, said point being located on the east land lot line of Land Lot 58, aforesaid District and Section; thence running north along the east line of Land Lots 58, 57, and 56, aforesaid District and Section, to a point at the intersection of Land Lots 55, 56, 77 and 78, aforesaid District and Section; thence running east along the north line of Land Lots 77 and 96, aforesaid District and Section, to a point at the intersection of Land Lots 95, 96, 115 and 116, aforesaid District and Section; thence running south along the east line of said Land Lot 96 to a point located at the northwesterly corner of that certain parcel of land (Fulton County tax id# 11028001150240, according to the

parcel numbering system existing on January 1, 2006) described in that certain Executor's Deed, dated May 28, 2003, recorded in Deed Book 35203, page 391 Official Deed Records of Fulton County, Georgia; thence leaving said land lot line running east along the north property line of said parcel of land (Fulton County tax id# 11028001150240), to a point on the westerly right-of-way of Buice Road; thence following said right-of-way northerly and westerly to the point where said right-of-way intersects the east line of Land Lot 94, aforesaid District and Section, said point being located on the east boundary of Ocee Park; thence leaving said right-of-way running south along said east line to a point at the intersection of Land Lots 94, 95, 116, and 117, aforesaid District and Section; thence running west along the south line of said Land Lot 94 to a point at the intersection of Land Lots 78, 79, 94 and 95, aforesaid District and Section; running thence north along the west line of said Land Lot 94 to a point at the intersection of Land Lots 79, 80, 93 and 94, aforesaid District and Section; thence running east along the north line of said Land Lot 94 to a point located at the southeast corner of that certain parcel of land (Fulton County tax id# 11027000930164, according to the parcel numbering system existing on January 1, 2006) the same being set forth on that certain plat entitled Final Plat for Donald Allen Fuqua, by Brumbelow-Reese & Assoc., Inc., dated November 10, 1983, recorded at Plat Book 133, page 16, Official Deed Records of Fulton County, Georgia; thence leaving said land lot line running northwesterly along the east property line of said parcel of land to a point on the southeast right-of-way of Kimball Bridge Road; thence running northeast along said right-of-way to the intersection of said right-of-way and the east right-of-way of Buice Road; thence leaving said right-of-way of Kimball Bridge Road running southeasterly along the east right-of-way of Buice Road, following the courses and distances thereof, to the point at the intersection of said right-of-way and the south line of Land Lot 116, aforesaid District and Section, said point being located at the southwest corner of the Pinewalk Subdivision, Unit One, as set forth on that certain plat entitled Final Plat – Unit One – Pinewalk Subdivision, by Engineering and Surveying, Inc., recorded at Plat Book 158, page 101, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way of Buice Road running east along the south line of Land Lots 116 and 133, aforesaid District and Section, along the south property line of said Pinewalk Subdivision to a point at the southeast corner of said subdivision; thence leaving said land lot line running north along the east property line of said Pinewalk Subdivision, Unit One, as shown on said plat, to a point at the northeast corner of said Pinewalk Subdivision; thence running west along the north line of said Pinewalk Subdivision, Unit One, as shown on said plat, to the point at which said property line intersects with the west land lot line of said Land Lot 133; thence running north along the west land lot line of Land Lot 133, 132 and 131, aforesaid District and Section to a point at the intersection of Land Lots 118, 119, 130 and 131, aforesaid District and Section; thence running west along the south line of said Land Lot 119, 100.31 feet to a point at the intersection of said land lot line and the a point immediately south of the southeast corner of The Pines at Kimball Bridge, Unit One, as set forth on that certain plat entitled Final Plat of: The Pines at Kimball Bridge, Unit One, by Hayes, James &

Associates, recorded at Plat Book 140, page 33, Official Deed Records of Fulton County, Georgia; thence leaving said south land lot line running north to and along the east line of said subdivision continuing along said course across the right-of-way of Kimball Bridge Road to a point on the northwesterly right-of-way of Kimball Bridge Road; thence running northeasterly following said northwesterly right-of-way of Kimball Bridge Road to a point at the intersection of said right-of-way with the westerly right-of-way of Fox Road; thence running northerly along said westerly right-of-way of Fox Road to a point where said right-of-way intersects with the south line of Land Lot 196, aforesaid District and Section; thence leaving said right-of-way running east along the south line of Land Lots 196 and 232, aforesaid District and Section to a point at the intersection of said land lot line and the southeast corner of that certain Windward / Southpointe Development as set forth on that certain plat entitled Final Plat for Windward Properties, Inc. Being Pod 39, Blocks I, J & K, Windward / Southpointe, by Rochester Associates, Inc., recorded at Plat Book 159, page 130, Official Deed Records of Fulton County, Georgia; thence leaving said south land lot line running north along the east property line of said Windward / Southpointe Development to a point where said east property line intersects with the north line of Land Lot 232, aforesaid District and Section; thence running east along the north lines of Land Lots 232 and 233, aforesaid District and Section to the point at the intersection of said land lot line of Land Lot 233 and the northwest right-of-way of Jones Bridge Road; thence leaving said land lot line running northeast along said northwest right-of-way of Jones Bridge Road to the point where said right-of-way intersects the east line of Land Lot 1256, 2nd District, 1st Section, Fulton County, Georgia; running thence north along the east line of Land Lots 1256, 1231, 1190 and 1165, aforesaid District and Section, to the northerly point of Laurel Cove Subdivision – Unit II on said east line of said Land Lot 1165 as set forth on that certain plat entitled Final Plat Laurel Cove – Unit II, Douglas Road (Formerly Known as Huntington Trace Subdivision – Unrecorded), by Patterson & Smith, Inc., dated October 2, 2001, last revised August 7, 2002, recorded at Plat Book 231, page 88, Official Deed Records of Fulton County, Georgia; thence leaving said land lot line running northwesterly along the northeasterly property line of said Unit II of said subdivision, following the courses and distances thereof, to the point where said property line intersects the easterly property line of Laurel Cove Subdivision, Unit I, as set forth on that certain plat entitled Final Plat Laurel Cove / Douglas Road, dated May 3, 2001, recorded at Plat Book 238, page 74, Official Deed Records of Fulton County, Georgia, thence continuing northerly, following the courses and distances of Unit I thereof, to the point at which said easterly property line of said Laurel Cove Subdivision, Unit I, intersects with the north land lot line of Land Lot 1165, aforesaid District and Section; thence running east along the north line of Land Lot 1165, aforesaid District and Section, to a point located at the intersection of Land Lots 1124, 1125, 1164 and 1165, aforesaid District and Section; thence leaving said land lot line running northwest, southwest and northwest along the easterly property line of the Calumet Subdivision as set forth on that certain plat entitled Final Plat of Calumet, by Watts & Browning Engineers, dated January 16, 1991, revised January 23,

1991, recorded at Plat Book 171, page 14, Official Deed Records of Fulton County, Georgia, to the point where said easterly property line intersects the southerly right-of-way of Old McGinnis Ferry Road; thence running westerly along the right-of-way of said Old McGinnis Ferry Road to the westerly point of said Calumet Subdivision adjacent to said right-of-way; thence leaving said right-of-way running southerly and easterly along the north property line of said Calumet Subdivision to the point where said north property line intersect the southeast corner of that certain parcel of land (Fulton County tax id# 21572011240102, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated April, 1982, recorded in Deed Book 8114, page 202 Official Deed Records of Fulton County, Georgia; thence leaving said north property line of Calumet Subdivision running north along the east property line of said parcel of land (Fulton County tax id# 21572011240102) following the course thereof to a point on the line dividing Fulton County, Georgia and Forsyth County, Georgia; running thence southeasterly along said Fulton-Forsyth County line to the point where said line intersects the westerly county line of Gwinnett County and the Chattahoochee River, said point being the point of beginning. All references and points set out herein are as of January 1, 2006 unless otherwise stated.

APPENDIX B

The corporate limits of the City of Johns Creek shall include that portion of Fulton County described as follows if approved by the voters as described in Section 7.14 of this charter:

Commencing at the point where the line dividing Fulton County, Georgia and Gwinnett County, Georgia, as they existed on January 1, 2006, intersects the dividing line between Fulton County Voting Precincts NC11A and NC06, as they existed on January 1, 2006; thence leaving said Fulton-Gwinnett County line, running northwesterly along said dividing line between voting precincts to its intersection with Barnwell Road; thence following Barnwell Road northeasterly to the point where said right-of-way intersects with Jones Bridge Road; thence following Jones Bridge Road northerly to the point where said right-of-way intersects with Old Alabama Road; thence following the right-of-way of Old Alabama Road west to the point where said right-of-way intersects with the right-of-way of Brumbelow Road; thence following the right-of-way of Brumbelow Road south to the point where said right-of-way intersects with the south land lot line of Land Lot 924, 1st District, 2nd Section, Fulton County, Georgia, said point also being the southeastern corner of that certain parcel of land (Fulton County tax id# 12318008950488, according to the parcel numbering system existing on January 1, 2006) described in that certain Quit Claim Deed, dated May 5, 1997, recorded in Deed Book 22692, page 012, Official Deed Records of Fulton County, Georgia, said point further representing the southeasterly corner of Newtown Park; thence leaving said right-of-way running west along the south line of Land Lots 924 and 895, aforesaid District and Section, to a point at the intersection of Land Lots 894, 895, 869 and 870,

aforesaid District and Section, said point also being the southwest corner of Newtown Park; thence running north along the west land lot line of Land Lot 895 to a point to its northernmost point adjacent to the eastern boundary of the Chartwell Subdivision, as set out on that certain plat entitled Final Subdivision Plat of Chartwell, Unit 1, Phase 1, by Travis Pruitt & Associates, Inc., recorded at Plat Book 188, page 49, Official Deed Records of Fulton County, Georgia; thence leaving said land lot line following the eastern boundary of the Chartwell Subdivision northwest to Old Alabama Road; thence running along the right-of-way of Old Alabama Road to its intersection with the northeast corner of the Old Alabama Square Shopping Center as set out on that certain plat entitled Old Alabama Square, Exemption Plat, by Post, Buckley, Schuh & Jernigan, Inc., recorded at Plat Book 220, page 124, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way running south and southwest along the east line of said shopping center parcel (said line also being set out on the aforementioned plat of Chartwell Subdivision) to a point at the southeast corner of said shopping center parcel; thence running west along the south line of said shopping center parcel to a point at the centerline of a creek, the same being located at the southwest corner of said shopping center parcel, said point also being located on the east property line of that certain parcel of land (Fulton County tax id# 12304008391576, according to the parcel numbering system existing on January 1, 2006) said parcel being described in that certain General Warranty Deed, dated June 24, 1999, recorded in Deed Book 27358, page 340, Official Deed Records of Fulton County, Georgia; thence running southerly following the meanderings of said creek along the east line of said parcel of land (Fulton County tax id# 12304008391576) to its intersection with the south land lot line of Land Lot 840, aforesaid District and Section; thence leaving the centerline of said creek running west along the south line of land lots 840 and 817 to its intersection with the easterly boundary of City of Roswell, Georgia, as it existed on January 1, 2006, at the right-of-way of Nesbit Ferry Road; thence running south along Nesbit Ferry Road, and said eastern boundary of the City of Roswell, Georgia, to a point in Land Lot 832, aforesaid District and Section, where said eastern boundary of the City of Roswell, Georgia leaves the right-of-way of Nesbit Ferry Road; thence continuing south along the right-of-way of Nesbit Ferry Road to the point where said eastern boundary of the City of Roswell, Georgia re-intersects said right-of-way; thence continuing south along said right-of-way of Nesbit Ferry Road and the eastern boundary of the City of Roswell, Georgia to the intersection of Nesbit Ferry Road and Holcomb Bridge Road; thence continuing south along the eastern boundary of the City of Roswell, Georgia along, leaving, and re-intersecting with Holcomb Bridge Road to the point at the intersection of said eastern boundary of the City of Roswell, Georgia and the Chattahoochee River, said point being located on the line dividing Fulton County, Georgia and Gwinnett County, Georgia; thence leaving said eastern boundary of the City of Roswell, Georgia running northeast along the Fulton-Gwinnett County line, following the meanderings of the Chattahoochee River, to a point, said point being the point of beginning. All references and points set out herein are as of January 1, 2006 unless otherwise stated.

APPENDIX C

CERTIFICATE AS TO MINIMUM STANDARDS
FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Representative Mark Burkhalter, Georgia State Representative from the 50th District and the author of this bill introduced at the 2006 Session of the General Assembly of Georgia, which grants an original municipal charter to the City of Johns Creek do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified, this _____ day of _____, 20__.

Representative, 50th District
Georgia House of Representatives

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	N Holmes	Y Maxwell	Y Scheid
Anderson	Davis	Y Holt	Y May	Scott, A
Y Ashe	Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
N Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
N Benfield	Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	N Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	N Mosby	Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Stephens
Buckner, G	Y Franklin	Y Keown	N Orrock	Stephenson
Y Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	E Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	Graves, D	Y Lane, B	Y Powell	Y Tumlin

Y Carter	Y Graves, T	Lane, R	Y Ralston	Y Walker
Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	N Williams, E
Coleman, B	N Heckstall	Y Maddox	Roberts	Y Williams, R
E Coleman, T	Y Hembree	Mangham	E Rogers	Y Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 138, nays 8.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Graves of the 137th and Meadows of the 5th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1040. By Representatives Williams of the 4th, Dickson of the 6th and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 48-8-39 of the Official Code of Georgia Annotated, relating to the effect of use other than retention, demonstration, or display by the giver of certain certification or by the processor, manufacturer, or converter of tangible personal property, so as to define the total raw material cost of carpet samples for certain fair market valuation purposes; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield

Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	E Golick	Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Heard, K	Y Lunsford	Y Rice	Y Williams, E
Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
E Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 157, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Heard of the 114th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 1190. By Representatives Wilkinson of the 52nd, Willard of the 49th, Geisinger of the 48th, Jones of the 46th and Ashe of the 56th:

A BILL to be entitled an Act to amend Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the toll powers of the State Road and Tollway Authority, so as to modify and clarify the processes by which collection of unpaid tolls may be accomplished; to alter the fees and penalties which may be assessed for failure to pay the proper toll; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the toll powers of the State Road and Tollway Authority, so as to modify and clarify the processes by which collection of unpaid tolls may be accomplished; to alter the fees and penalties which may be assessed for failure to pay the proper toll; to amend Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to enforcement of the provisions relating to registration and licensing of motor vehicles, so as to provide for suspension of the offender's motor vehicle registration for multiple violations of the toll provisions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the toll powers of the State Road and Tollway Authority, is amended by striking subsection (c) in its entirety and inserting in its place the following:

"(c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where appropriate signs have been erected to notify traffic that it is subject to the payment of tolls beyond such sign, without payment of the proper toll. In the event of nonpayment of the proper toll, as evidenced by video or electronic recording, the registered owner of such vehicle shall be liable to make prompt payment to the authority of the proper toll and an administrative fee of \$25.00 per violation to recover the cost of collecting the toll. The authority or its authorized agent shall provide notice to the registered owner of a vehicle, and a reasonable time to respond to such notice, of the authority's finding of a violation of this subsection. Upon failure of the registered owner of a vehicle to pay the proper toll and administrative fee to the authority after notice thereof and within the time designated in such notice, ~~the registered owner shall be cited for a violation of this subsection and, upon conviction, shall be subject to the payment of a fine of not less than \$50.00 nor more than \$100.00 for each and every violation of this subsection and any other fine or penalty that may be prescribed by law for such violations. In the prosecution of an offense, proof that the vehicle was operated in violation of this subsection, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. The court of the local jurisdiction in which the violation occurred shall be authorized to assess and collect such fine, in addition to any court costs, provided that the court shall also collect the proper toll and administrative fee and forward such toll and fee to the authority. the authority may proceed to seek collection of the proper toll and the administrative fee as debts owing to the authority, in such manner as the authority deems appropriate and as permitted under law. If the authority finds multiple failures~~

by a registered owner of a vehicle to pay the proper toll and administrative fee after notice thereof and within the time designated in such notice, the authority may refer the matter to the Office of State Administrative Hearings. The scope of any hearing held by the Office of State Administrative Hearings shall be limited to consideration of evidence relevant to a determination of whether the registered owner has failed to pay, after notice thereof and within the time designated in such notice, the proper toll and administrative fee. The only affirmative defense that may be presented by the registered owner of a vehicle at such a hearing is theft of the vehicle, as evidenced by presentation at the hearing of a copy of a police report showing that the vehicle has been reported to the police as stolen prior to the time of the alleged violation. A determination by the Office of State Administrative Hearings of multiple failures to pay by a registered owner of a vehicle shall subject such registered owner to imposition of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty payable to the authority of not more than \$70.00 per violation. Upon failure by a registered owner to pay to the authority, within 30 days of the date of notice thereof, the amount determined by the Office of State Administrative Hearings as due and payable for multiple violations of this subsection, the motor vehicle registration of such registered owner shall be immediately suspended by operation of law. The authority shall give notice to the Department of Revenue of such suspension. Such suspension shall continue until the proper toll, administrative fee, and civil monetary penalty as have been determined by the Office of State Administrative Hearings are paid to the authority. Actions taken by the authority under this subsection shall be made in accordance with policies and procedures approved by the members of the authority.

(2) The registered owner of a vehicle which is observed being driven or towed through a toll collection facility without payment of the proper toll may avoid liability under this subsection by presenting to the authority a copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation.

(3) For purposes of this subsection, for any vehicle which is registered to an entity other than a natural person, the term 'registered owner' shall be deemed to refer to the natural person who is the operator of such motor vehicle at the time of the violation of this subsection, but only if the entity to which the vehicle is registered has supplied to the authority, within 60 days following notice from the authority or its authorized agent, information in the possession of such entity which is sufficient to identify and give notice to the natural person who was the operator of the motor vehicle at the time of the violation of this subsection."

SECTION 2.

Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to enforcement of the provisions relating to registration and licensing of motor vehicles, is amended by inserting a new Code Section 40-2-135.1 immediately following Code Section 40-2-135, relating to revocation of license plates, to read as follows:

"40-2-135.1.

As provided in subsection (c) of Code Section 32-10-64, the motor vehicle registration of any owner who has failed to pay, within 30 days of the date of notice thereof, the amount determined by the Office of State Administrative Hearings as due and payable for one or more violations of such subsection, shall be immediately suspended by operation of law."

SECTION 3.

This Act shall become effective on January 1, 2007.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Stephenson
Y Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	E Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	N Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A

Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
E Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	Henson	Y Manning	Y Royal	Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 158, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Borders of the 175th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Wilkinson of the 52nd District, Chairman of the Committee on Ethics, submitted the following report:

Mr. Speaker:

Your Committee on Ethics has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1141 Do Pass, by Substitute

Respectfully submitted,
/s/ Wilkinson of the 52nd
Chairman

Representative O'Neal of the 146th District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1187	Do Pass, by Substitute	HB 1272	Do Pass, by Substitute
HB 1219	Do Pass, by Substitute	HB 1293	Do Pass

Respectfully submitted,
/s/ O'Neal of the 146th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1325. By Representatives Lewis of the 15th, Burkhalter of the 50th, Richardson of the 19th, Keen of the 179th and Wix of the 33rd:

A BILL to be entitled an Act to amend Code Section 46-4-155 of the O.C.G.A., relating to regulation of unbundled services, peaking service, customer services, and interstate capacity assets with regard to the distribution, storage, and sale of gas, so as to provide for definitions; to provide for the requirements upon which the electing distribution company shall include proposed strategic infrastructure assets in the capacity supply and strategic infrastructure plan; to provide for the information that must be filed with any capacity supply and strategic infrastructure plan; to provide that the Public Service Commission shall not in a subsequent proceeding fail to approve any long-term capacity assets and any strategic infrastructure assets which were included in a plan previously approved by the commission; to provide for cost recovery; to provide for legislative findings and declarations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Code Section 46-4-155 of the Official Code of Georgia Annotated, relating to regulation of unbundled services, peaking service, customer services, and interstate capacity assets with regard to the distribution, storage, and sale of gas, so as to provide for definitions; to provide for the requirements upon which the electing distribution company may file strategic infrastructure asset proposals with the Public Service Commission; to provide for the information that must be filed with any strategic infrastructure asset proposal; to provide for a public hearing on the proposal; to provide for a procedure for the Public Service Commission to approve or disapprove such a strategic infrastructure asset proposal; to provide that the Public Service Commission shall not in a subsequent proceeding disapprove any strategic infrastructure assets which were previously approved by the commission; to provide for cost recovery; to provide for legislative findings and declarations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds and declares as follows:

- (1) The high and rising cost of natural gas has caused financial hardship on homeowners, small businesses, and low-income citizens of Georgia;
- (2) The rising demand for natural gas as a clean-burning fuel source coupled with a limited supply of natural gas will continue to boost heating and electricity costs;
- (3) Elba Island Liquefied Natural Gas Terminal on the Georgia coast is one of the nation's key receiving points for imported natural gas;
- (4) The provision of an increased diversity of natural gas supplies to Georgia will offset part of the need for supplies from the Gulf of Mexico and will help stabilize or lower the price for natural gas in Georgia, helping to create a favorable energy market for Georgia consumers;
- (5) More natural gas capacity and supply is necessary to accommodate economic development and job creation in Georgia;
- (6) A favorable energy market in Georgia will aid economic development, help attract new jobs, and help to secure existing jobs;
- (7) More competition in delivering natural gas will put a downward pressure on prices which could lead to lower prices for Georgians; and
- (8) In order to meet the energy demands of Georgians and the rest of this nation and to benefit the Georgia economy, there is a need to provide means of accessing and delivering natural gas within this state.

SECTION 2.

Code Section 46-4-155 of the Official Code of Georgia Annotated, relating to regulation of unbundled services, peaking service, customer services, and interstate capacity assets with regard to the distribution, storage, and sale of gas, is amended by adding a new subsection (f) to read as follows:

"(f)(1) As used in this subsection, the term:

- (A) 'LNG' means liquefied natural gas.
- (B) 'Strategic infrastructure asset' means intrastate assets providing access to the imported liquefied natural gas market through the Elba Island LNG Terminal facility on the Georgia coast for firm distribution service to retail customers.
- (C) 'Strategic infrastructure asset cost' means costs that include, but are not limited to, feasibility studies, preliminary engineering, facility and system modeling, engineering design and procedure development, permits, utility service extensions, bidding, material and equipment attainment, site preparation, legal services, environmental compliance, utility locating, construction, labor, materials and equipment, project management services, testing, inspections, community outreach, public meetings, land rights attainment, erosion control, land surveys, safety and fire protection, site remediation, and security.

(2) The electing distribution company may file a strategic infrastructure asset proposal with the commission when the construction of such additional assets will provide for at least two of the following:

- (A) A lower total proposal cost compared to the cost of the best alternative proposal using only interstate capacity assets to meet its forecast system requirements;
- (B) Greater reliability of delivery of gas supply to and within its system for firm distribution service to retail customers;
- (C) A more economical gas supply for retail customers by providing access to a greater diversity of gas supply sources; or
- (D) The overall best interest of the natural gas consumers in the state.

(3) Any such strategic infrastructure asset proposal shall include such reasonable detail regarding the proposed strategic infrastructure assets as the commission may require including a description of the strategic infrastructure to be constructed, acquired, or modified; an explanation of the need for such strategic infrastructure investment; the projected cost of the infrastructure investment; and the projected schedule for completion.

(4) Not less than 30 days after the filing of a strategic infrastructure asset proposal by an electing distribution company, the commission shall commence a public hearing on the proposal. The electing distribution company's testimony shall be under oath and shall, with any corrections thereto, constitute the electing distribution company's affirmative case. At any hearing conducted pursuant to this paragraph, the burden of proof to show that the strategic infrastructure asset proposal meets the requirements of paragraph (2) of this subsection shall be upon the electing distribution company. For the commission to approve any strategic infrastructure asset proposal, it must find that the requirements of paragraph (2) of this subsection are met.

(5) Following such a hearing, the commission shall either approve or deny the strategic infrastructure asset proposal and shall not modify the electing distribution company's proposal related to such strategic infrastructure assets. Should the commission fail or refuse to issue an order by the ninetieth day after the electing distribution company's filing which either approves or disapproves the strategic infrastructure asset proposal filed by the electing distribution company, the strategic infrastructure asset proposal filed by the electing distribution company shall thereupon be deemed approved by operation of law.

(6) After the approval of a strategic infrastructure asset proposal, the commission shall not in a subsequent proceeding disapprove the strategic infrastructure assets which were previously approved, and the commission shall provide for cost recovery of such strategic infrastructure assets separate and apart from the electing distribution company's base rates as more fully described in paragraph (7) of this subsection.

(7) The electing distribution company shall file the estimated cost of any strategic infrastructure asset proposal. Any order approving a strategic infrastructure asset proposal shall include cost recovery for the electing distribution company of the actual cost of the strategic infrastructure assets pursuant to the provisions set forth in this subsection absent a showing of fraud, concealment, failure to disclose a material

fact, imprudence, or criminal misconduct. The electing distribution company shall be entitled to recover 100 percent of the actual strategic infrastructure asset costs not to exceed the estimated cost filed with the commission by more than 15 percent. If such actual strategic infrastructure asset cost exceeds the estimated cost filed with the commission by more than 15 percent, then the electing distribution company shall be entitled to recover the amount that exceeds the filed estimate by more than 15 percent only if such costs are shown by the electing distribution company to have been reasonable and prudent. The commission shall provide for cost recovery by a monthly strategic infrastructure charge to the marketers that shall not be placed in and that shall be maintained separate and apart from the base rates of the electing distribution company. Each marketer may identify the strategic infrastructure asset cost as a separate item on a customer's monthly bill. Should a marketer elect to identify such charge, the line item shall specifically state the purpose of the charge and said charge shall be collected as provided by law or previous orders of the commission.

(8) The cost of strategic infrastructure assets shall be recovered by the electing distribution company upon the completion of the construction based on the net incremental cost. The commission shall provide for a recovery mechanism that shall be in the form of an incremental charge, separate and apart from the then existing rates of the electing distribution company. The rate shall be determined by calculating the electing distribution company's net investment (invested capital less accumulated depreciation and accumulated deferred income taxes) multiplied by the pre-tax rate of return plus the incremental operating and maintenance costs associated with the strategic infrastructure assets. The return on investment and depreciation used in the computation of this charge shall be the same as those determined by the commission in the last fully litigated rate case before the commission by the electing distribution company. The cost as estimated of newly proposed strategic infrastructure assets included in a strategic infrastructure asset proposal shall not exceed 25 percent of the electing distribution company's rate base at the time of the filing of the proposal."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and ruled not germane:

Representative Lucas of the 139th et al. move to *amend the Committee substitute to HB 1325 by striking all matter on lines 1 through 26 of page 1, lines 1 through 36 of page 2, lines*

1 through 37 of page 3, and lines 1 through 29 of page 4 and inserting in lieu thereof the following:

To amend Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, known as the "Natural Gas Competition and Deregulation Act," so as to require the Public Service Commission to declare an emergency and regulate the delivery of natural gas to retail customers in this state; to provide for the applicability of certain laws with respect to the Public Service Commission's regulation of the delivery of natural gas to retail customers in this state; to authorize the Public Service Commission to promulgate and adopt rules and regulations; to authorize the merger of an electing distribution company and its affiliate marketer; to provide that nothing in this Act shall be construed to impair the obligation of any contract; to provide for contracts between electing distribution companies and marketers, between marketers and retail customers, between electing distribution companies and the regulated provider, and between the regulated provider and the Public Service Commission or the state; to provide that upon the expiration of certain contracts, electing distribution companies shall be prohibited from distributing natural gas to certain marketers and the regulated provider; to provide for the assignment of retail customers whose marketer no longer sells natural gas in intrastate commerce to retail customers; to provide for transfer and distribution of moneys in the universal service fund; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, known as the "Natural Gas Competition and Deregulation Act," is amended by adding four new Code sections as follows:

"46-4-167.

On July 1, 2006, the Public Service Commission shall declare an emergency in the delivery of natural gas in this state. After the declaration of such emergency, the alternative form of regulation of the natural gas industry shall no longer be effective and Code Sections 46-2-23.1 and 46-4-150 through 46-4-166 shall no longer be applicable to regulation of the natural gas industry, gas companies, and persons or companies selling natural gas in intrastate commerce to retail customers in this state. After the declaration of such an emergency, electing distribution companies, marketers, and the regulated provider selected in accordance with Code Section 46-4-166, heretofore governed by the provisions of this article, shall be governed by provisions of law other than Code Sections 46-2-23.1 and 46-4-150 through 46-4-166 and by rules and regulations of the commission not in conflict with such other laws.

46-5-168.

After the declaration of an emergency as provided in Code Section 46-5-167, an

electing distribution company and its affiliate marketer may merge into a single gas company to be regulated in the same manner as gas companies were regulated prior to the issuance of a certificate of authority as provided in Code Section 46-4-153 and the implementation of this article. Such a gas company shall be regulated by provisions of law other than Code Sections 46-2-23.1 and 46-4-150 through 46-4-166 and by rules and regulations of the commission not in conflict with such other laws.

46-5-169.

(a) Except as otherwise provided by this Code section, contracts between an electing distribution company and a marketer, between a marketer and a retail customer, between an electing distribution company and the regulated provider, between the regulated provider and a retail customer, and between the regulated provider and the Public Service Commission or the State of Georgia shall remain valid and enforceable unless otherwise terminated by the parties thereto.

(b) Upon the declaration of an emergency as provided in Code Section 46-5-167, an electing distribution company and any marketer may, upon mutual agreement, elect to terminate a contract which provides for the distribution of natural gas from the electing distribution company to the marketer. Upon such a mutual agreement, any retail customers of such marketer, which ceases to engage in the business of providing natural gas in intrastate commerce to retail customers in this state, shall be assigned to the electing distribution company which distributed natural gas to the marketer or to such gas company's affiliate marketer. Any such marketer which ceases to engage in such business shall be required to furnish all records and billing information relating to its retail customers to the gas company or its affiliate marketer to which the retail customers are assigned.

(c) On and after the date of the declaration of an emergency as provided in Code Section 46-5-167, marketers shall be prohibited from renewing a contract with a retail customer or executing a new contract with a retail customer the terms of which would extend beyond the date of the expiration of the contract existing on the date of the declaration of an emergency between the electing distribution company and the marketer which provides for the distribution of natural gas from the electing distribution company to the marketer.

(d) After the declaration of an emergency as provided in Code Section 46-5-167 and upon the expiration of any contract between an electing distribution company and a marketer which provides for the distribution of natural gas from the electing distribution company to the marketer, other than a contract with the electing distribution company's affiliate marketer, the electing distribution company shall be prohibited from any further distribution to such marketer of any natural gas to be resold in intrastate commerce to retail customers in this state.

(e) On and after the date of the declaration of an emergency as provided in Code Section 46-5-167, the regulated provider selected in accordance with Code Section 46-4-166 shall be prohibited from executing a contract or renewing a contract with the electing distribution company that provides for the distribution of natural gas from the

electing distribution company to such regulated provider the terms of which would extend beyond the date of the termination of any contract between such regulated provider and the Public Service Commission or the State of Georgia for the sale of natural gas in Georgia in accordance with Code Section 46-4-166.

(f) On and after the date of the declaration of an emergency as provided in Code Section 46-5-167, the regulated provider selected in accordance with Code Section 46-4-166 shall be prohibited from executing a contract or renewing a contract with any retail customer in Georgia that provides for the distribution of natural gas to the retail customer the terms of which would extend beyond the date of the termination of any contract between such regulated provider and the Public Service Commission or the State of Georgia for the sale of natural gas in Georgia in accordance with Code Section 46-4-166.

(g) On and after the date of the declaration of an emergency as provided in Code Section 46-5-167 and upon the expiration of any contract between the regulated provider and an electing distribution company that provides for the distribution of natural gas from the electing distribution company and the expiration of any contract between such regulated provider and the Public Service Commission or the State of Georgia for the sale of natural gas in Georgia in accordance with Code Section 46-4-166, the electing distribution company shall be prohibited from any further distribution to such regulated provider of any natural gas to be resold in intrastate commerce to retail customers in this state.

(h) On and after the date of the declaration of an emergency as provided Code Section 46-5-167 and upon the expiration of any contract between the regulated provider and an electing distribution company that provides for the distribution of natural gas from the electing distribution company and the expiration of any contract between such regulated provider and the Public Service Commission or the State of Georgia for the sale of natural gas in Georgia in accordance with Code Section 46-4-166, any moneys in the universal service fund created in accordance with Code Section 46-4-161 shall be transferred to the Department of Human Resources for distribution to low and fixed income consumers of natural gas in accordance with Code Section 46-1-5.

(i) Nothing in this Code section shall be construed to impair the obligation of any contract.

46-5-170.

The Public Service Commission is authorized to promulgate and adopt rules and regulations necessary to carry out the provisions of Code Sections 46-4-167 through 46-4-169."

SECTION 2.

This Act shall become effective July 1, 2006.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The Committee substitute was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	N Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	E Cummings	N Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	N Howard, E	Y Meadows	N Shaw
Y Bearden	Y Dodson	N Hudson	E Millar	Y Sheldon
N Beasley-Teague	Y Dollar	N Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	Jackson	Mitchell	N Sims, F
Y Benton	N Dukes	N Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	N Jamieson	N Mosby	Y Smith, L
Y Borders	N Epps	Y Jenkins	Y Mosley	N Smith, P
Y Bridges	Y Everson	Y Jennings	N Mumford	Y Smith, R
N Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	N Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
Y Bryant	N Fludd	N Jordan	N Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	N Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	N Thomas, A.M
Y Butler	N Golick	Y Lakly	Y Porter	N Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	N Randall	N Warren
Y Chambers	N Hanner	Y Lindsey	N Ray	Y Watson
Y Channell	Y Harbin	N Lord	N Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
N Coleman, T	Y Hembree	N Mangham	E Rogers	Y Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	N Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 110, nays 59.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Jackson of the 161st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 833. By Representatives Lunsford of the 110th, Knight of the 126th, Yates of the 73rd, Talton of the 145th, Loudermilk of the 14th and others:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide that the Georgia Procurement Registry, shall be the official legal organ for advertisement of certain bid opportunities for goods and services and public works construction contracts by a municipal corporation, county, or local board of education; to require advertisement of certain bid opportunities by local government entities via the Georgia Procurement Registry; to provide that advertisement via the Georgia Procurement Registry shall be at no cost to local government entities; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide that the Georgia Procurement Registry shall be used in addition to the official legal organ for advertisement of certain bid opportunities for goods and services and public works construction contracts by a municipal corporation, county, or local board of education; to require advertisement of certain bid opportunities by local government entities via the Georgia Procurement Registry; to provide that advertisement via the Georgia Procurement Registry shall be at no cost to local government entities; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended in Chapter 80, relating to general provisions applicable to counties, municipal corporations, and other government entities, by inserting at the end thereof a new Code Section 36-80-21 to read as follows:

"36-80-21.

Each bid opportunity of a municipal corporation, county, or local board of education for goods and services valued at \$40,000.00 or more and each bid opportunity for public

works construction contracts valued at \$100,000.00 or more shall be advertised by such respective local government entity by means of the Georgia Procurement Registry as established in Code Section 50-5-69, in addition to the official legal organ of the municipal corporation, county, or local board of education in the same manner as required by Code Section 36-91-20. Advertisement by means of the Georgia Procurement Registry shall be at no cost to the municipal corporation, county, or local board of education. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid opportunity."

SECTION 2.

Said title is further amended in Code Section 36-91-20, relating to contracting and bidding requirements for public works construction contracts, by striking subsection (b) and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Prior to entering into a public works construction contract other than those exempted by Code Section 36-91-22, a governmental entity shall publicly advertise the contract opportunity. Such notice shall be posted conspicuously in the governing authority's office and shall be advertised via the Georgia Procurement Registry established under subsection (b) of Code Section 50-5-69. In addition, such contract opportunity shall be advertised in the legal organ of the county or by electronic means on an Internet website of the governmental entity or an Internet website identified by the governmental entity. Contract opportunities shall be advertised a minimum of two times, with the first advertisement occurring at least four weeks prior to the opening of the sealed bids or proposals. The second advertisement shall follow no earlier than two weeks from the first advertisement. Plans and specifications shall be available on the first day of the advertisement and shall be open to inspection by the public. The advertisement shall include such details and specifications as will enable the public to know the extent and character of the work to be done. All required notices of advertisement shall also advise of any mandatory prequalification requirements or pre-bid conferences as well as any federal requirements pursuant to subsection (d) of Code Section 36-91-22."

SECTION 3.

This Act shall become effective on July 1, 2006.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Fleming of the 117th moves to amend the Committee substitute to HB 833 as follows:

page 1, line 21:

-strike: "in addition to"
-and add in lieu of: "and my be advertised in"

page 2, line 9:

-strike: "shall"
-and add in lieu of: "may".

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 166, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 986. By Representatives Lunsford of the 110th, Ehrhart of the 36th, Ralston of the 7th, Willard of the 49th and Lindsey of the 54th:

A BILL to be entitled an Act to amend Code Section 24-10-130 of the Official Code of Georgia Annotated, relating to when depositions to preserve testimony in criminal proceedings may be taken, so as to allow depositions to be taken of persons who are not legal residents of the United States under certain circumstances; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 24-10-130 of the Official Code of Georgia Annotated, relating to when depositions for preservation of evidence in criminal proceedings may be taken, so as to provide for the preservation of evidence of certain nationals of foreign states who have not been lawfully admitted for permanent residence in the United States; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 24-10-130 of the Official Code of Georgia Annotated, relating to when depositions for preservation of evidence in criminal proceedings may be taken, is amended by striking subsection (b) and inserting in its place a new subsection (b) to read as follows:

"(b) The court shall not order the taking of the witness's testimony, except as provided in paragraph (2) of subsection (a) of this Code section, unless it appears to the satisfaction of the court that the testimony of the witness is material to the case and the witness:

- (1) Is in imminent danger of death;
- (2) Has been threatened with death or great bodily harm because of the witness's status as a potential witness in a criminal trial or proceeding;
- (3) Is about to leave the state and there are reasonable grounds to believe that such witness will be unable to attend the trial;

- (4) Is so sick or infirm as to afford reasonable grounds to believe that such witness will be unable to attend the trial; ~~or~~
- (5) Is being detained as a material witness and there are reasonable grounds to believe that the witness will flee if released from detention; or
- (6) Is a national of a foreign state who has not been lawfully admitted for permanent residence in the United States. For purposes of this paragraph, the terms 'national,' 'foreign state,' and 'lawfully admitted for permanent residence' shall have the meaning as provided in 8 U.S.C. Section 1101."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren

Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Mangham	E Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 162, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Jamieson of the 28th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The Speaker Pro Tem assumed the Chair.

HB 1177. By Representatives Smith of the 129th, Graves of the 12th, Smith of the 13th, Channell of the 116th, Wix of the 33rd and others:

A BILL to be entitled an Act to amend Code Section 32-2-60 of the Official Code of Georgia Annotated, relating to Department of Transportation construction contracts, so as to provide for bonding amounts for certain projects; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 32-2-60 of the Official Code of Georgia Annotated, relating to Department of Transportation construction contracts, so as to provide for bonding amounts for certain projects; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 32-2-60 of the Official Code of Georgia Annotated, relating to Department of Transportation construction contracts, is amended by inserting after subsection (d)

thereof a new subsection (e) to read as follows:

"(e) When the estimated amount of any department construction contract exceeds \$300 million, performance and payment bonds shall be required in the amount of at least the total amount payable by the terms of the contract unless the department, after public comment, makes a written recommendation to the board, supported by specific findings, and the board by vote in a public approved meeting, that single bonds in such amount are not reasonably available in the surety industry. Whereupon the amount of the value of the construction portion of the contract, excluding right of way acquisition and engineering, shall be guaranteed by combinations, as shall be determined in the discretion of the board, of performance and payment bonds, letters of credit and corporate guaranties, but in no case shall such aggregate assurances toward performance and payment:

(1) Be composed of less than \$300 million of performance and payment bonds; and

(2) Equal less than 100 percent of the contractor's obligation under the construction portion of the contract, and shall be in accordance with Part 4 of Article 1 of Chapter 10 of Title 13 for the purposes of Code Section 13-10-61.

Additionally, contractors shall provide the following certification under oath with each request for payment: 'All payments due to subcontractors and suppliers from previous payment received under the contract have been made, and timely payments will be made from the proceeds of the payment covered by this certification.'"

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L

Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Ehrhart of the 36th District, Chairman of the Committee on Rules, submitted the following report:

Mr. Speaker:

Your Committee on Rules has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1390 Do Pass, by Substitute

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 881. By Representatives Chambers of the 81st, Burmeister of the 119th, Drenner of the 86th, Henson of the 87th, Reece of the 27th and others:

A BILL to be entitled an Act to amend Code Section 43-29-7 of the Official Code of Georgia Annotated, relating to license requirements for dispensing opticians, qualifications of applicants, subjects to be tested on examination, and issuance and display of license, so as to specify certain requirements for practical training and experience for an applicant to obtain licensure through an apprenticeship program; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 376. By Representatives Loudermilk of the 14th, Fleming of the 117th, Lunsford of the 110th, Lewis of the 15th, Mills of the 25th and others:

A BILL to be entitled an Act to amend Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, so as to provide exemption for a primary caregiver of a child who is four years of age or younger; to provide an exemption for a primary teacher of children in a home study program; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, so as to provide exemption for a primary caregiver of a child who is four years of age or younger; to provide an exemption for a primary teacher of children in a home study program; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, is amended by striking subsection (a), and inserting in lieu thereof the following:

"(a)(1) Any person who shows that he or she will be engaged during his or her term of jury duty in work necessary to the public health, safety, or good order or who shows other good cause why he or she should be exempt from jury duty may be excused by the judge of the court to which he or she has been summoned or by some other person who has been duly appointed by order of the chief judge to excuse jurors. Such a person may exercise such authority only after the establishment by court order of guidelines governing excuses. Any order of appointment shall provide that, except for permanently mentally or physically disabled persons, all excuses shall be deferred to a date and time certain within that term or the next succeeding term or shall be deferred as set forth in the court order.

(2) Notwithstanding paragraph (1) of this subsection, any person who is a full-time student at a college, university, vocational school, or other postsecondary school who, during the period of time the student is enrolled and taking classes or exams, requests to be excused or deferred from jury duty shall be excused or deferred from jury duty.

(3) Notwithstanding paragraph (1) of this subsection, any person who is the primary caregiver having active care and custody of a child ~~under~~ four years of age or younger, who executes an affidavit on a form provided by the court stating that such person is the primary caregiver having active care and custody of a child ~~under~~ four years of age or younger and stating that such person has no reasonably available alternative child care, and who requests to be excused or deferred shall be excused or deferred from jury duty. It shall be the duty of the court to provide affidavits for the purpose of this ~~subsection~~ paragraph and paragraph (4).

(4) Notwithstanding paragraph (1) of this subsection, any person who is a primary teacher in a home study program as defined in subsection (c) of Code Section 20-2-690 who, during the period of time the person is teaching, requests to be excused or deferred from jury duty shall be excused or deferred from jury duty."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Lindsey of the 54th and Loudermilk of the 14th move to *amend the Committee substitute to HB 376 by striking the word "four" on line 3 of page 1 and inserting in lieu thereof the following:*

six

By striking line 26 of page 1 and inserting in lieu thereof the following:

caregiver having active care and custody of a child ~~under four~~ six years of age or younger,

By striking lines 1 and 2 of page 2 and inserting in lieu thereof the following:

primary caregiver having active care and custody of a child ~~under four~~ six years of age or younger and stating that such person has no reasonably available alternative child care,

By striking line 9 of page 2 and inserting in lieu thereof the following:

from jury duty and executes an affidavit on a form provided by the court stating that such person is the primary teacher in a home study program and stating that such person has no reasonably available alternative for the child or children in the home study program shall be excused or deferred from jury duty."

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	E Rogers	Wix
Y Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 1097. By Representatives McCall of the 30th, Smith of the 129th, Scheid of the 22nd, Channell of the 116th, Floyd of the 147th and others:

A BILL to be entitled an Act to amend Code Section 32-6-75 of the Official Code of Georgia Annotated, relating to restrictions on outdoor advertising signs authorized by Code Section 32-6-72 on the interstate system, primary highways, and other highways, so as to provide that no such signs may advertise the availability of certain entertainment which appeals to the prurient interest; to prohibit erecting certain signs having two faces on one visible side after a certain date; to permit certain types of nonmechanical multiple message signs subject to certain limitations; to impose certain height limitations on erecting such outdoor advertising signs subject to certain conditions after a certain date; to provide for procedures relative to the foregoing; to provide for severability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Code Section 32-6-75 of the Official Code of Georgia Annotated, relating to restrictions on outdoor advertising signs authorized by Code Section 32-6-72 on the interstate system, primary highways, and other highways, so as to provide that no such signs may advertise the availability of certain entertainment which appeals to the prurient interest; to prohibit erecting certain signs having two faces on one visible side after a certain date; to permit certain types of nonmechanical multiple message signs subject to certain limitations; to impose certain height limitations on erecting such outdoor advertising signs subject to certain conditions after a certain date; to provide for procedures relative to the foregoing; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 32-6-75 of the Official Code of Georgia Annotated, relating to restrictions on outdoor advertising signs authorized by Code Sections 32-6-72, is amended by striking the word "or" at the end of paragraph (20) of subsection (a), by striking the period at the end paragraph (21) of such subsection and inserting in lieu thereof the symbol and word "; or", and by inserting at the end of such subsection a new paragraph to read as follows:

"(22) Advertises, either directly or indirectly, the availability of entertainment which features live performances by nude or seminude dancers, go-go dancers, strippers, or similar entertainment which the average person, applying contemporary community standards, would find appeals to the prurient interest."

SECTION 2.

Said Code section is further amended by striking in its entirety paragraph (12) of subsection (a) and inserting in lieu thereof a new paragraph (12) to read as follows:

"(12) Contains more than two faces visible from the same direction on the main traveled way; provided, however, that after July 1, 2006 no sign shall be erected that contains more than one face vertically stacked visible from the same direction on the main traveled way. Double-faced, back-to-back, and V-type constructed signs shall, for the purpose of determining compliance with size and spacing limitations, be considered as one sign;"

SECTION 3.

Said Code section is further amended by striking in its entirety paragraph (8) of subsection (a) and inserting in lieu thereof a new paragraph (8) to read as follows:

"(8) If illuminated, contains, includes, or is illuminated by any flashing, intermittent, or moving light or lights except those giving public service information such as time, date, temperature, weather, or other similar information except as expressly permitted under subsection (c) of this Code section. The illumination of mechanical multiple message signs is not illumination by flashing, intermittent, or moving light or lights, except that no multiple message sign may include any illumination which is flashing, intermittent, or moving when the sign is in a fixed position;"

SECTION 4.

Said Code section is further amended by striking in its entirety paragraph (1) of subsection (c) and inserting in lieu thereof a new paragraph (1) to read as follows:

"(1) Multiple message signs shall be permitted on the interstate system, primary highways, and other highways under the following conditions:

(A) Each mechanically operated multiple message sign shall remain fixed for at least ten seconds;

(B) When a message is changed mechanically, it shall be accomplished in three seconds or less;

(C) No such mechanical sign shall be placed within 5,000 feet of another mechanical multiple message sign on the same side of the highway;

(D) Any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs; ~~and~~

(E) Any maximum size limitations shall apply independently to each side of a multiple message sign; and

(F) Nonmechanical electronic multiple message signs that are otherwise in compliance with this subsection and are illuminated entirely by the use of light emitting diodes, back lighting, or any other light source shall be permitted under the following circumstances:

(i) The displays on the electronic sign shall contain static messages only. Changes on the sign face shall occur only through dissolve or fade transitions, or other subtle transitions that do not have the appearance or illusion of continuous

movement or continuous moving text or images. Any illumination which consists of flashing, scintillating or varying of light intensity shall be considered continuous movement. Each transitional change shall occur within two (2) seconds.

(ii) If the department finds an electronic sign, any display or effect thereon, to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle, upon the department's request, the owner of the sign shall, within one hour, reduce the intensity of the sign to a level acceptable to the Department. The department's determination of interference or impairment caused by the intensity of the sign shall be at its sole discretion and failure to reduce lighting intensity on request shall be cause for revocation of the permit.

(iii) The owner of any existing or nonconforming electronic sign shall have 180 days from the date this bill is signed into law to bring the electronic sign in compliance with the law and to request a permit from the department."

SECTION 5.

Said Code section is further amended by adding at the end thereof a new subsection (d) to read as follows:

"(d) After July 1, 2006 the department shall not accept any application to construct any sign exceeding 70 feet in height as measured from the top of the sign to the road level. In exchange for an agreement by the owner with the department that the height thereof shall not thereafter be increased, any sign which is not more than 60 feet in height, or if not exceeding 70 feet is lowered at least ten feet, or if exceeding 70 feet is lowered to not more than 70 feet, shall receive the permit and renewals provided for by subsection (b) of Code Section 32-6-75.3 for not more than the fees set forth in subsection (d) of said Code section. Permits authorized hereunder shall be issued irrespective of paragraph (2) of subsection (b) and paragraph (1) of subsection (e) of said Code section in light of the substantial benefits so conferred. Any such agreement with any owner of one or more signs exceeding 70 feet shall require that at least one such sign be lowered to not more than 70 feet. For each sign exceeding 70 feet that is lowered to not more than 70 feet hereunder an additional permit and renewals hereunder may be obtained for any sign of the same owner not exceeding 70 feet. Lowering for the purposes hereof shall be permitted irrespective of otherwise applicable ordinances or regulations, and permits issued pursuant hereto shall allow removal irrespective of diameter restriction and over an area two times the horizontal distance otherwise applicable."

SECTION 6.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such declaration or adjudication shall affect and invalidate the whole of the section in which such matter appears herein, but shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of

this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional, but would not have passed any section of this Act containing or constituting an invalid or unconstitutional provision.

SECTION 7.

All laws and parts of laws in conflict with this Act are hereby repealed.

The following amendment was read:

Representative Jennings of the 82nd moved to *amend the Committee substitute to HB 1097 by striking lines 24 through 26 of page 3 and inserting in lieu thereof the following:*

section. Any such agreement with any owner of one or more.

Pursuant to Rule 133, Representative Cheokas of the 134th was excused from voting on HB 1097.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	N Crawford	N Hill, C.A	Martin	Y Sailor
Y Amerson	E Cummings	N Holmes	N Maxwell	N Scheid
N Anderson	N Davis	Holt	N May	N Scott, A
Y Ashe	Y Day	Y Horne	N McCall	N Scott, M
N Barnard	Y Dean	Y Houston	E McClinton	Setzler
E Barnes	N Dickson	Y Howard, E	Y Meadows	Y Shaw
N Bearden	N Dodson	Y Hudson	E Millar	N Sheldon
N Beasley-Teague	N Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
N Benton	Dukes	Y Jacobs	N Morgan	Y Sinkfield
N Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
Y Borders	Y Epps	Y Jenkins	N Mosley	Y Smith, P
N Bridges	N Everson	Y Jennings	Y Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
Y Brown	N Floyd, H	Jones, J	Y Murphy, Q	N Smith, V
Bruce	N Floyd, J	Y Jones, S	N Neal	Y Smyre
N Bryant	N Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
N Buckner, D	N Forster	N Keen	N O'Neal	Stephens
Y Buckner, G	N Franklin	N Keown	Y Orrock	Y Stephenson
N Burkhalter	E Freeman	N Kidd	Y Parham	N Talton
N Burmeister	Y Gardner	N Knight	Y Parrish	Y Teilhet
N Burns	E Geisinger	N Knox	N Parsons	Y Thomas, A.M
N Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
Y Byrd	N Graves, D	N Lane, B	Y Powell	Y Tumlin
N Carter	N Graves, T	N Lane, R	N Ralston	Y Walker

Casas	Y Greene	N Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	N Ray	Y Watson
N Channell	N Harbin	Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	N Loudermilk	N Reece, S	Y Willard
N Coan	N Heard, J	Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	N Rice	Y Williams, E
N Coleman, B	Y Heckstall	N Maddox	N Roberts	Y Williams, R
Y Coleman, T	N Hembree	Mangham	E Rogers	N Wix
Y Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	Y Hill, C	Marin	N Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 72, nays 85.

The amendment was lost.

The following amendment was read and adopted:

Representative Floyd of the 147th moves to *amend the Committee substitute to HB 1097 by inserting after "section" on line 24 on page 3 the following:*

; provided, however, that the applicant shall pay to the department as an additional fee pursuant to this subsection an amount equal to three times the appraised pulpwood value of all trees removed pursuant to each permit.

The following amendment was read:

Representative McCall of the 30th moves to *amend the Committee substitute to HB 1097 by striking "an area two times the horizontal distance otherwise applicable" on lines 32 and 33 on page 3 and inserting in lieu thereof the following:*

a viewing zone of 500 horizontal feet parallel to the right of way in the direction of a face visible from the main traveled way.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	Y Crawford	Y Hill, C.A	N Martin	N Sailor
N Amerson	E Cummings	N Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	Holt	Y May	N Scott, A
N Ashe	N Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	N Houston	E McClinton	Setzler
E Barnes	Y Dickson	N Howard, E	N Meadows	N Shaw
Y Bearden	Y Dodson	N Hudson	E Millar	N Sheldon
Beasley-Teague	Y Dollar	N Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	N Jackson	Mitchell	N Sims, F
N Benton	N Dukes	N Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B

N Bordeaux	Y England	N Jamieson	N Mosby	Y Smith, L
N Borders	N Epps	N Jenkins	Y Mosley	N Smith, P
Y Bridges	Y Everson	N Jennings	N Mumford	Y Smith, R
N Brooks	Y Fleming	N Johnson	Y Murphy, J	Y Smith, T
N Brown	N Floyd, H	Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
N Bryant	N Fludd	N Jordan	N Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	N O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	E Freeman	N Kidd	N Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	N Parrish	N Teilhet
Y Burns	E Geisinger	N Knox	Y Parsons	N Thomas, A.M
Y Butler	N Golick	Y Lakly	N Porter	N Thomas, B
N Byrd	Y Graves, D	Y Lane, B	N Powell	N Tumlin
Y Carter	Y Graves, T	Y Lane, R	N Ralston	N Walker
N Casas	N Greene	Y Lewis	N Randall	N Warren
N Chambers	N Hanner	N Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	Y Lord	N Reece, B	N Wilkinson
Cheokas	N Hatfield	Y Loudermilk	Y Reece, S	N Willard
Y Coan	Y Heard, J	Lucas	Y Reese	N Williams, A
Y Cole	Y Heard, K	Y Lunsford	N Rice	N Williams, E
N Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
N Coleman, T	Y Hembree	N Mangham	E Rogers	Y Wix
N Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	N Hill, C	Marin	Y Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 73, nays 90.

The amendment was lost.

The following amendment was read:

Representative Lindsey of the 54th et al. move to *amend the Committee substitute to HB 1097 by striking all matter on lines 7 and 8 on page 1 and inserting in place thereof the word "to"*.

By striking Section 5 in its entirety.

By renumbering Sections 6 and 7 as Sections 5 and 6, respectively.

The following amendment was read:

Representatives Mills of the 25th and Richardson of the 19th move to amend the Lindsey amendment to HB 1097 as follows:

on page 1, of the Lindsey amendment (AM 34 0080), strike lines 2 through 5.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
N Amerson	E Cummings	N Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	N Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	N Houston	E McClinton	Setzler
E Barnes	Y Dickson	N Howard, E	N Meadows	N Shaw
Y Bearden	Y Dodson	N Hudson	E Millar	Y Sheldon
N Beasley-Teague	Dollar	N Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	N Jackson	Mitchell	N Sims, F
N Benton	N Dukes	N Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	N Jamieson	N Mosby	Y Smith, L
N Borders	N Epps	N Jenkins	Y Mosley	N Smith, P
Y Bridges	Y Everson	N Jennings	N Mumford	Y Smith, R
N Brooks	Y Fleming	N Johnson	Y Murphy, J	Y Smith, T
Y Brown	N Floyd, H	Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
N Bryant	N Fludd	N Jordan	N Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	N Keown	N Orrock	N Stephenson
Y Burkhalter	E Freeman	N Kidd	N Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	N Parrish	N Teilhet
Y Burns	E Geisinger	Y Knox	Y Parsons	N Thomas, A.M
Y Butler	N Golick	Y Lakly	N Porter	N Thomas, B
N Byrd	Y Graves, D	Y Lane, B	N Powell	N Tumlin
Y Carter	Y Graves, T	N Lane, R	Y Ralston	Y Walker
Casas	N Greene	Y Lewis	N Randall	N Warren
Y Chambers	N Hanner	N Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	N Lord	N Reece, B	Y Wilkinson
Cheokas	N Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	N Rice	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
N Coleman, T	Y Hembree	N Mangham	E Rogers	Y Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	N Hill, C	Marin	Y Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 82, nays 81.

The amendment was adopted.

Representative Porter of the 143rd moved that the House reconsider its action in adopting the Mills amendment.

On the motion, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	N Maxwell	N Scheid

Y Anderson	N Davis	Holt	N May	N Scott, A
Y Ashe	Y Day	N Horne	N McCall	N Scott, M
N Barnard	Y Dean	Y Houston	E McClinton	Setzler
E Barnes	N Dickson	Y Howard, E	Y Meadows	Y Shaw
N Bearden	N Dodson	Y Hudson	E Millar	N Sheldon
Y Beasley-Teague	Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
Y Borders	Y Epps	Jenkins	N Mosley	Y Smith, P
N Bridges	Y Everson	Y Jennings	Y Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	N Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
N Burkhalter	E Freeman	Y Kidd	Y Parham	N Talton
N Burmeister	Y Gardner	N Knight	Y Parrish	Y Teilhet
N Burns	E Geisinger	N Knox	N Parsons	Y Thomas, A.M
N Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
Y Byrd	N Graves, D	N Lane, B	Y Powell	N Tumlin
N Carter	N Graves, T	Y Lane, R	N Ralston	Y Walker
Casas	Y Greene	N Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	N Ray	Watson
N Channell	N Harbin	Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	N Loudermilk	N Reece, S	Y Willard
N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	N Rice	Y Williams, E
N Coleman, B	Y Heckstall	N Maddox	N Roberts	N Williams, R
Y Coleman, T	N Hembree	Y Mangham	E Rogers	N Wix
Y Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	Y Hill, C	Marin	N Rynders	Richardson, Speaker

On the motion, the ayes were 85, nays 74.

The motion prevailed.

On the re-adoption of the Mills amendment, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
N Amerson	E Cummings	N Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	Holt	Y May	Y Scott, A
N Ashe	N Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	N Houston	E McClinton	Setzler
E Barnes	Y Dickson	N Howard, E	N Meadows	N Shaw
Y Bearden	Dodson	N Hudson	E Millar	Y Sheldon
N Beasley-Teague	Dollar	N Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	N Jackson	Mitchell	N Sims, F
N Benton	N Dukes	N Jacobs	N Morgan	N Sinkfield

Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	N Jamieson	N Mosby	Y Smith, L
N Borders	N Epps	N Jenkins	Y Mosley	N Smith, P
Y Bridges	Y Everson	N Jennings	N Mumford	Y Smith, R
N Brooks	Y Fleming	N Johnson	Y Murphy, J	Y Smith, T
Y Brown	N Floyd, H	Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
N Bryant	N Fludd	N Jordan	N Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	N Keown	N Orrock	N Stephenson
Y Burkhalter	E Freeman	N Kidd	N Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	N Parrish	N Teilhet
Y Burns	E Geisinger	Y Knox	Y Parsons	N Thomas, A.M
N Butler	N Golick	Y Lakly	N Porter	N Thomas, B
N Byrd	Y Graves, D	Y Lane, B	N Powell	N Tumlin
Y Carter	Y Graves, T	N Lane, R	Y Ralston	N Walker
N Casas	N Greene	Y Lewis	N Randall	N Warren
N Chambers	N Hanner	N Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	Y Lord	N Reece, B	N Wilkinson
Cheokas	N Hatfield	Y Loudermilk	Y Reece, S	N Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	N Rice	N Williams, E
N Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
N Coleman, T	Y Hembree	N Mangham	E Rogers	Y Wix
N Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	N Hill, C	Marin	Y Rynders	Richardson, Speaker

On the re-adoption of the Mills amendment, the ayes were 74, nays 89.

The amendment was lost.

On the adoption of the Lindsey amendment, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	N Crawford	N Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	N Maxwell	N Scheid
Y Anderson	N Davis	Y Holt	N May	N Scott, A
Y Ashe	Y Day	N Horne	N McCall	N Scott, M
N Barnard	N Dean	Y Houston	E McClinton	Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
N Bearden	N Dodson	Y Hudson	E Millar	N Sheldon
N Beasley-Teague	Dollar	Y Hugley	N Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
N Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
Y Borders	Y Epps	Y Jenkins	N Mosley	Y Smith, P
N Bridges	Y Everson	Y Jennings	Y Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	N Floyd, J	Y Jones, S	N Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner

Y Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
N Burkhalter	E Freeman	Y Kidd	Y Parham	N Talton
N Burmeister	Y Gardner	N Knight	Y Parrish	Y Teilhet
N Burns	E Geisinger	N Knox	N Parsons	Y Thomas, A.M
Y Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
Y Byrd	N Graves, D	N Lane, B	Y Powell	Y Tumlin
N Carter	N Graves, T	Y Lane, R	N Ralston	Y Walker
Y Casas	Y Greene	N Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	N Ray	Y Watson
N Channell	N Harbin	N Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	N Loudermilk	N Reece, S	Y Willard
N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	N Maddox	N Roberts	Y Williams, R
N Coleman, T	N Hembree	Y Mangham	E Rogers	N Wix
Y Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	Y Hill, C	Marin	N Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 93, nays 72.

The amendment was adopted.

The following amendment was read:

Representative Willard of the 49th et al. move to *amend the Committee substitute to HB 1097 by striking the phrase "mechanically operated" on line 19 of page 2.*

By striking the word "mechanical" on line 23 of page 2 and inserting in place thereof the words "multiple message".

The following amendment was read:

Representatives Mills of the 25th and Richardson of the 19th move to amend the Willard amendment to HB 1097 as follows:

on page 1, strike lines 2 through 5.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	Y Crawford	Y Hill, C.A	N Martin	N Sailor
N Amerson	E Cummings	N Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	Holt	Y May	Y Scott, A
N Ashe	N Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	N Houston	E McClinton	Setzler
E Barnes	Y Dickson	N Howard, E	N Meadows	N Shaw
Y Bearden	Y Dodson	N Hudson	E Millar	Y Sheldon

N Beasley-Teague	N Dollar	N Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	N Jackson	Mitchell	N Sims, F
N Benton	N Dukes	N Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	N Jamieson	N Mosby	Y Smith, L
N Borders	N Epps	N Jenkins	Y Mosley	N Smith, P
Y Bridges	Y Everson	N Jennings	N Mumford	Y Smith, R
N Brooks	Y Fleming	N Johnson	Y Murphy, J	Y Smith, T
N Brown	N Floyd, H	Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
N Bryant	N Fludd	N Jordan	N Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	N Keown	N Orrock	N Stephenson
Y Burkhalter	E Freeman	N Kidd	N Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	N Parrish	N Teilhet
Y Burns	E Geisinger	Y Knox	Y Parsons	N Thomas, A.M
Y Butler	N Golick	Y Lakly	N Porter	N Thomas, B
N Byrd	Y Graves, D	Y Lane, B	N Powell	N Tumlin
Y Carter	Y Graves, T	N Lane, R	Y Ralston	Walker
Casas	N Greene	Y Lewis	N Randall	N Warren
Y Chambers	N Hanner	N Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	Y Lord	N Reece, B	N Wilkinson
Cheokas	N Hatfield	Y Loudermilk	Y Reece, S	N Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	N Rice	N Williams, E
N Coleman, B	N Heckstall	Y Maddox	Y Roberts	N Williams, R
N Coleman, T	Y Hembree	N Mangham	E Rogers	Y Wix
N Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	N Hill, C	Marin	Y Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 74, nays 89.

The amendment was lost.

On the adoption of the Willard amendment, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	N Crawford	N Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	N Maxwell	N Scheid
Y Anderson	N Davis	Y Holt	N May	N Scott, A
Y Ashe	Y Day	N Horne	N McCall	N Scott, M
N Barnard	Y Dean	Y Houston	E McClinton	Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
N Bearden	N Dodson	Y Hudson	E Millar	N Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
N Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
Y Borders	Y Epps	Y Jenkins	N Mosley	Y Smith, P
N Bridges	N Everson	Y Jennings	Y Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T

Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	N Floyd, J	Y Jones, S	N Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
N Burkhalter	E Freeman	Y Kidd	Y Parham	N Talton
N Burmeister	Y Gardner	N Knight	Y Parrish	Y Teilhet
N Burns	E Geisinger	N Knox	N Parsons	Y Thomas, A.M
Y Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
Y Byrd	N Graves, D	N Lane, B	Y Powell	Y Tumlin
N Carter	N Graves, T	Y Lane, R	N Ralston	N Walker
Y Casas	Y Greene	N Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	N Ray	Y Watson
N Channell	N Harbin	Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	N Loudermilk	N Reece, S	Y Willard
N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	N Maddox	N Roberts	Y Williams, R
Y Coleman, T	N Hembree	Y Mangham	E Rogers	N Wix
Y Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	Y Hill, C	Marin	N Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 94, nays 71.

The amendment was adopted.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	May	Y Scott, A
N Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
N Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
N Benton	Y Dukes	Y Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	N Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	N Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre

Y Bryant	Y Fludd	Y Jordan	N Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	N Orrock	Y Stephenson
Y Burkhalter	E Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	E Geisinger	N Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
N Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	N Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 145, nays 20.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representative Jones of the 46th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Murphy of the 23rd moved that the following Bill be taken from the table:

HB 1069. By Representatives Murphy of the 23rd, Brown of the 69th, Hill of the 21st, Knox of the 24th, Wilkinson of the 52nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so as to establish a young driver tracking service; to provide for methods of tracking young drivers; to provide for use of the tracking service by the courts; to provide for registration of the service with the Department of Driver Services; to provide for insurance deductions for users of the tracking service; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

On the motion, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	E Cummings	Y Holmes	Y Maxwell	Y Scheid
N Anderson	N Davis	Y Holt	May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
E Barnes	Y Dickson	N Howard, E	Y Meadows	Y Shaw
N Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
N Beasley-Teague	Y Dollar	N Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	N Jackson	Mitchell	Y Sims, F
N Benton	N Dukes	Y Jacobs	N Morgan	N Sinkfield
Black	Y Ehrhart	N James	Y Morris	Smith, B
Y Bordeaux	Y England	Jamieson	N Mosby	Y Smith, L
Y Borders	N Epps	Y Jenkins	Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	N Johnson	Y Murphy, J	Y Smith, T
Y Brown	N Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
N Bruce	N Floyd, J	Y Jones, S	Y Neal	N Smyre
Y Bryant	Fludd	N Jordan	Y Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	N Stephens
N Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	E Freeman	N Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	E Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Lakly	N Porter	Y Thomas, B
N Byrd	N Graves, D	Y Lane, B	Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	N Ralston	Y Walker
Casas	Greene	Y Lewis	N Randall	N Warren
Y Chambers	Hanner	Y Lindsey	Ray	N Watson
Y Channell	Y Harbin	Y Lord	N Reece, B	Y Wilkinson
Cheokas	N Hatfield	N Loudermilk	Y Reece, S	Y Willard
Y Coan	N Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
N Coleman, T	Y Hembree	N Mangham	E Rogers	N Wix
Y Cooper	Y Henson	N Manning	N Royal	Y Yates
Y Cox	Y Hill, C	Marin	Rynders	Richardson, Speaker

On the motion, the ayes were 102, nays 50.

The motion prevailed.

Representative Murphy of the 23rd moved that the following Bill of the House be withdrawn from the General Calendar and recommitted to the Committee on Rules:

HB 1069. By Representatives Murphy of the 23rd, Brown of the 69th, Hill of the 21st, Knox of the 24th, Wilkinson of the 52nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so as to establish a young driver tracking

service; to provide for methods of tracking young drivers; to provide for use of the tracking service by the courts; to provide for registration of the service with the Department of Driver Services; to provide for insurance deductions for users of the tracking service; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The motion prevailed.

By unanimous consent, the following Bill of the House was withdrawn from the Committee on Insurance and referred to the Committee on Appropriations:

HB 1372. By Representative Harbin of the 118th:

A BILL to be entitled an Act to amend Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees' insurance and benefit plans, so as to provide for mechanisms for termination of coverage for nonpayment of premium; to provide for notification to employers; to provide for the introduction and consideration of bills impacting the state health benefit plans; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1531. By Representative Floyd of the 147th:

A RESOLUTION recognizing the Cordele-Crisp County Fish Fry and commending Mr. Ferrell Henry, Mr. Don Tucker, Mr. Zack Wade, and Mr. Joe Cook and inviting the cooking team to appear before the House of Representatives; and for other purposes.

HR 1532. By Representative Floyd of the 147th:

A RESOLUTION recognizing and commending Miss Jenna Morgan Stanford, 2006 Georgia Watermelon Queen, and inviting her to appear before the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1463. By Representatives Lane of the 158th, Parrish of the 156th, Burns of the 157th, Yates of the 73rd and Carter of the 159th:

A RESOLUTION declaring support for dedicating the Statesboro Armory to the memory of Brigadier General Terrell T. Reddick; and for other purposes.

HR 1494. By Representative Houston of the 170th:

A RESOLUTION recognizing the City of Adel in Cook County as the "City of Daylilies"; and for other purposes.

HR 1495. By Representative Porter of the 143rd:

A RESOLUTION commending the State of Israel in its fight against terrorism; and for other purposes.

HR 1496. By Representative Hembree of the 67th:

A RESOLUTION commending Matthew Vincent Goggans on becoming an Eagle Scout; and for other purposes.

HR 1497. By Representative Hembree of the 67th:

A RESOLUTION commending Adam Lee as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1498. By Representative Hembree of the 67th:

A RESOLUTION commending Angelica L. Fowler as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1499. By Representative Hembree of the 67th:

A RESOLUTION commending Amanda Svendsen as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1500. By Representative Hembree of the 67th:

A RESOLUTION commending Suwaibou Jaiteh as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1501. By Representative Hembree of the 67th:

A RESOLUTION commending Kalon J. Hinds as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1502. By Representative Hembree of the 67th:

A RESOLUTION commending Joseph M. Kelly as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1503. By Representative Hembree of the 67th:

A RESOLUTION commending Leigh Beasley as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1504. By Representative Hembree of the 67th:

A RESOLUTION commending Herbert J. Dye III as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1505. By Representative Hembree of the 67th:

A RESOLUTION commending Edward Howard as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1506. By Representative Hembree of the 67th:

A RESOLUTION commending Jennifer M. Caylor as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1507. By Representative Hembree of the 67th:

A RESOLUTION commending Blake K. Willis as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1508. By Representative Hembree of the 67th:

A RESOLUTION commending Kathi Lea Garrett as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1509. By Representative Hembree of the 67th:

A RESOLUTION commending Yolanda C. Anderson as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1510. By Representative Hembree of the 67th:

A RESOLUTION commending Dwight David Lanier as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1511. By Representative Hembree of the 67th:

A RESOLUTION commending Allen Hoffmeyer as a University System of Georgia Outstanding Scholar on Academic Recognition Day; and for other purposes.

HR 1512. By Representatives Hill of the 21st and Yates of the 73rd:

A RESOLUTION commending Colonel William L. Bates, Jr., United States Marine Corps (Ret.); and for other purposes.

HR 1513. By Representative Smith of the 113th:

A RESOLUTION congratulating Zaxby's on the opening of their 300th restaurant in Dallas, Georgia; commending Zaxby's and its employees; and for other purposes.

HR 1514. By Representative Cummings of the 16th:

A RESOLUTION commending Susan Duke Waters; and for other purposes.

HR 1515. By Representatives Smith of the 113th, McCall of the 30th, Royal of the 171st, Kidd of the 115th, Roberts of the 154th and others:

A RESOLUTION remembering and honoring the life of Linton Webster Eberhardt, Jr.; and for other purposes.

HR 1516. By Representative Bearden of the 68th:

A RESOLUTION expressing regret at the passing of Dorothy Jeane Williams; and for other purposes.

HR 1517. By Representative Smith of the 113th:

A RESOLUTION expressing regret at the passing of Dr. Sykes E. "Si" Trieb; and for other purposes.

HR 1518. By Representative Smith of the 113th:

A RESOLUTION congratulating the Oconee County High School fastpitch softball team on winning the AAA State Championship; and for other purposes.

HR 1519. By Representative Reese of the 98th:

A RESOLUTION commending Coach Todd Hosch; and for other purposes.

HR 1520. By Representative Benfield of the 85th:

A RESOLUTION honoring the life of Edna Bramlett Hawkins and expressing regret at her passing; and for other purposes.

HR 1521. By Representative Murphy of the 120th:

A RESOLUTION remembering and honoring the life of Mr. Thomas L. Clark, Jr.; and for other purposes.

HR 1522. By Representatives Houston of the 170th and Shaw of the 176th:

A RESOLUTION commemorating the 150th anniversary of Berrien County; and for other purposes.

HR 1523. By Representatives Carter of the 159th, Stephens of the 164th, Bordeaux of the 162nd, Day of the 163rd, Bryant of the 160th and others:

A RESOLUTION remembering and honoring the life of Dr. Frank Hardeman, Jr.; and for other purposes.

HR 1524. By Representative Bearden of the 68th:

A RESOLUTION remembering and honoring the life of Lance Corporal Samuel W. Large, Jr.; and for other purposes.

HR 1525. By Representative Cole of the 125th:

A RESOLUTION congratulating Bishop Charles and Evangelist LaVaughn on the occasion of their 50th wedding anniversary; and for other purposes.

HR 1526. By Representatives Kidd of the 115th, Heard of the 114th and Smith of the 113th:

A RESOLUTION commending Craig Hamlin on becoming an Eagle Scout; and for other purposes.

HR 1527. By Representatives Coleman of the 144th, Walker of the 107th, Burkhalter of the 50th, Keen of the 179th, Stanley-Turner of the 53rd and others:

A RESOLUTION honoring and remembering Martha Talbot Eaves; and for other purposes.

HR 1528. By Representative Dollar of the 45th:

A RESOLUTION congratulating Karla Jean Repple and David Allan Zisook on the occasion of their wedding; and for other purposes.

HR 1529. By Representative Benton of the 31st:

A RESOLUTION commemorating the 200th anniversary of the founding of the City of Jefferson; and for other purposes.

HR 1530. By Representatives Mills of the 25th, Hill of the 21st and Knight of the 126th:

A RESOLUTION commending Ms. Leslie Bechtel on the occasion of her retirement; and for other purposes.

Representative Lewis of the 15th assumed the chair.

Representative Keen of the 179th moved that the House do now adjourn until 10:00 o'clock, tomorrow morning, and the motion prevailed.

Representative Lewis of the 15th announced the House adjourned until 10:00 o'clock, tomorrow morning.